

JOURNAL

OF THE

SENATE,

AT THE ANNUAL SESSION OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE
FIRST MONDAY IN NOVEMBER, 1840.

Tuscaloosa:

HALE & PHELAN, PRINTERS.

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JOURNAL OF THE SENATE.

Tuscaloosa, Monday, November 2, 1840.

This being the second day of November, in the year of our Lord one thousand eight hundred and forty, being the first Monday of said month, and the day fixed by law for the meeting of the General Assembly of the State of Alabama, at Tuscaloosa, the following members appeared in the Senate Chamber of the State Capitol, and took their seats, to wit:

From the Senatorial Districts composed of the counties of
Autauga and Coosa — Dixon Hall.

Benton — John R. Clarke.

Butler and Pike — Jesse Womack.

Cherokee and De Kalb — Solomon C. Smith.

Clarke, Baldwin and Washington — Gerard W. Creagh.

Franklin — B. Hudson.

Greene — H. I. Thornton.

Henry, Covington and Dale — A. McAllister.

Jackson — Thomas Wilson.

Lauderdale — Hugh McVay.

Lawrence — Hugh M. Rodgers.

Limestone — Nathaniel Terry.

Madison — Daniel B. Turner.

Lowndes — J. L. F. Cottrell.

Macon and Tallapoosa — Samuel C. Dailey.

Marshall and Blount — Emory Lloyd.

Mobile — T. L. Toulmin.

Marion and Fayette — B. W. Wilson.

Monroe and Conecuh — S. S. Andress.

Morgan and Walker — Green P. Rice.

Pickens — Peyton King.

Russell and Barbour — J. Buford.

St. Clair and Jefferson — C. C. P. Farrar.

Talladega — Felix McConnell.

Montgomery — Samuel C. Oliver.

Marengo — Wm. J. Alston.
Sumter — John Edmund Jones.
Randolph and Chambers — George Reese.
Perry — Henry C. Lea.
Tuscaloosa — Dennis Dent.

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On motion of Mr Rice, Mr Hudson was called to the Chair, and P. Hill appointed Secretary pro tem., when the following Senators, to wit: Jesse Womack, B. W. Wilson, Samuel C. Dailey, Dixon Hall, Green P. Rice, A. McAllister, Hugh M. Rodgers, Thomas Wilson, John Edmund Jones, J. W. Buford, Dennis Dent and H. I. Thornton, were qualified and took their seats.

The Senate then proceeded to the election of a President — James L. F. Cottrell alone being in nomination.

Those who voted for Mr Cottrell are, Messrs Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Mr J. L. F. Cottrell having received all the votes given, being a majority of the Senate, was from the Chair declared duly and constitutionally elected President of the Senate for the present session.

Mr Cottrell was then conducted to the Chair, and made his acknowledgments to the Senate for the honor conferred, was qualified and proceeded to the discharge of the duties of his office.

The Senate then proceeded to the election of a Secretary — Pleasant Hill alone being in nomination.

Those who voted for Mr Hill, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Pleasant Hill, having received all the votes given, was declared by the President duly and constitutionally elected Secretary of the Senate, was qualified, and proceeded to the discharge of the duties of his office.

The Senate then proceeded to the election of an Assistant Secretary — Madison Gordon, Spartan Allen, George G. Lyon and Andrew B. Stephens, being in nomination.

Those who voted for Mr. Gordon, are Messrs President, Buford, Dailey, Hudson, Hall, Jones, McAllister and Wilson of F.

Those who voted for Mr Allen, are Messrs Clarke, Lloyd, McConnell, Reese, Rice, Rodgers, Smith, Terry, Turner and Wilson of J.

Those who voted for Mr Lyon, are Messrs Alston, Address, Dent, King, Lea, McVay, Oliver, Thornton, Toulmin and Womack.

Those who voted for Mr Stephens, are Messrs Creagh and Lloyd.

Neither of the candidates having received a majority of the votes given, the Senate proceeded to vote a second time.

Those who voted for Mr Gordon, are Messrs President, Buford, Dailey, Hall, Hudson, Jones, McAllister, Reese and Wilson of F.

Those who voted for Mr Allen, are Messrs Clarke, McConnell, Rice, Rodgers, Smith, Terry, Turner and Wilson of J.

Those who voted for Mr Lyon, are Messrs Alston, Address, Dent, King, Lea, McVay, Oliver, Thornton, Toulmin and Womack.

Those who voted for Mr Stephens, are Messrs Creagh and Farrar.

Neither having received a majority of the whole number of votes given, the Senate proceeded to vote a third time; the name of Mr Stephens being withdrawn.

Those who voted for Mr Gordon, are Messrs President, Buford, Dailey, Hudson, Hall, Jones, McAllister and Wilson of F.

Those who voted for Mr Allen, are Messrs Clarke, Creagh, Lloyd, McConnell, Reese, Rice, Rodgers, Smith, Terry, Turner and Wilson of J.

Those who voted for Mr Lyon, are Messrs Alston, Address, Dent, King, Lea, McVay, Oliver, Thornton, Toulmin and Womack.

Neither having received a majority of the whole number of votes given, the Senate proceeded to vote a fourth time.

Those who voted for Mr Gordon, are Messrs President, Buford, Dailey, Hudson, Hall, Jones, McAllister and Wilson of F.

Those who voted for Mr Allen, are Messrs. Clarke, Creagh, Lloyd, McConnell, Reese, Rice, Rodgers, Smith, Terry, Turner and Wilson of J.

Those who voted for Mr Lyon, are Messrs Alston, Address, Dent, King, Lea, McVay, Oliver, Thornton, Toulmin and Womack.

Neither of the candidates having received a majority of the whole number of votes given, the Senate proceeded to vote a fifth time.

Those who voted for Mr Gordon, are Messrs President, Buford, Dailey, Dent, Hall, Hudson, Jones, McAllister, Oliver and Wilson of F.

Those who voted for Mr Allen, are Messrs Clarke, Lloyd, McConnell, Reese, Rice, Rodgers, Smith, Terry, Turner and Wilson of J.

Those who voted for Mr Lyon, are Messrs Alston, Address, King, Lea, McVay, Thornton, Toulmin and Womack.

Neither of the candidates having received a majority of the whole number of votes given, the Senate proceeded to vote a sixth time, the name of Mr Lyon being withdrawn.

Those who voted for Mr Gordon, are Messrs President, Alston, Address, Buford, Dailey, Dent, Farrar, Hall, Hudson, Jones, King, McAllister, Oliver, Thornton, Toulmin, Wilson of F. and Womack.

Those who voted for Mr Allen, are Messrs Clarke, Creagh, Lea, Lloyd, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Turner and Wilson of J.

Mr Gordon having received a majority of the whole number of votes given, Mr President declared him duly and constitutionally elected Assistant Secretary of the Senate.

Mr Gordon was qualified, and entered upon the duties of his office.

The Senate next proceeded to the election of a Doorkeeper — Armistead R. Thomas and Williams S. Taylor, being in nomination.

Those who voted for Mr. Thomas, are Messrs. Alston, Address, Buford, Dent, Hudson, King, Lea, Oliver, Reese, Rogers, Thornton and Womack.

Those who voted for Mr Taylor, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Rice, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Taylor having received a majority of all the votes given, Mr President declared him duly and constitutionally elected Doorkeeper to the Senate: was qualified and entered upon the duties of his office.

Mr Hudson offered the following resolution:

Resolved, That the standing rules adopted for the government of the Senate at the last session, shall be the rules for the government of the Senate at the present session, until otherwise altered ; which was adopted.

On motion of Mr Hudson,

Resolved, That the Chair appoint the usual standing committees, and report the same to the Senate.

On motion of Mr. Hudson,

Resolved, That the House of Representatives be informed that the Senate

is organized, and that they have elected, J. L. F. Cottrell, President, Pleasant Hill, Secretary, Madison Gordon, Assistant Secretary, and Williams S. Taylor, Doorkeeper, and are ready to proceed to business.

On motion of Mr Hudson,

Resolved, That the Doorkeeper of the Senate be authorized to furnish fuel and stationery for the use of the Senate, during the present session.

On motion of Mr McVay,

Resolved, That there be a committee appointed on the part of the Senate, to act jointly with such committee as are or may be appointed by the House of Representatives, to wait on his Excellency, the Governor, and inform him that the two Houses are organized, and all are ready to receive any communication his Excellency may think proper to make them.

Messrs McVay, Terry and Rice were appointed said committee.

Mr Reese offered the following resolution:

Resolved, That a committee on retrenchment be added to the standing committees of the Senate; which was adopted.

On motion of Mr Rice, the Senate adjourned till to-morrow morning, ten o'clock.

Tuesday, November 3d, 1840.

The Senate met pursuant to adjournment.

Mr. President announced from the Chair the following standing committees:

On Propositions and Grievances. — Messrs. McVay, Address, Creagh, Turner, Toulmin, and Clarke.

On Enrolled Bills. — Messrs Smith, Reese, Ross, Wilson of J., Rodgers, and Womack.

On the Judiciary. — Messrs Thornton, Rice, Wilson of F., Lea, Phillips, Buford, Alston, and McConnell.

On Privileges and Elections. — Messrs Wilson of F., McAllister, Dent, Watrous, Reese, Rice, and Ross.

On Inland Navigation and Internal Improvement. — Messrs Lea, Reese, King, Farrar, Wilson of J., McVay, Dailey, Phillips, Alston, and Oliver.

On Roads, Bridges and Ferries. — Messrs Turner, Hudson, Ross, Lloyd, King, and Clarke.

On County Boundaries. — Messrs McConnell, Womack, McAllister, Rodgers, Watrous, and Dailey.

On Education. — Messrs Rice, Oliver, Jones, King, Creagh, Dent, Clarke, Dailey, and Buford.

On the State Capitol. — Messrs Dent, Farrar, Address, Toulmin, and Turner.

On the State Bank. — Messrs Terry, Thornton, Jones, Dent, Toulmin, Turner, Hudson, Hall, McVay, Lea, and Oliver.

On Military Affairs. — Messrs Toulmin, Dent, Farrar, Ross, McAllister, and Buford.

On Divorce and Alimony. — Messrs Alston, Farrar, McVay, Lloyd, Rodgers, Address, and Womack.

On State Printing. — Messrs Creagh, Hudson, Smith, Rodgers, and McAllister.

On Accounts and Claims. — Messrs Hudson, Hall, Jones, Creagh, Womack, and Alston.

On Indian Expenditures. — Messrs McAllister, Dent, McConnell, Dailey, Wilson of J. and Smith.

On the Penitentiary. — Messrs Hall, Oliver, Reese, Hudson, Lloyd, Jones, and Toulmin.

On Retrenchment. — Messrs Reese, Phillips, Jones, Thornton, Lea, King, and Rodgers.

Mr President laid before the Senate the Comptroller's Report, on the Contingent Fund, which, on motion of Mr Dent, was ordered to lay upon the table and one hundred copies thereof, ordered to be printed.

Mr Toulmin presented the petition of Vincent Williams of Mobile county, which, on motion was referred to the committee on accounts and claims.

Message from the House of Representatives, by Mr. Garrett:

Mr President: — I am directed by the House of Representatives, to inform the Senate, that the House has organized by electing the Hon. Samuel Walker, of Madison, Speaker; Wm. Garrett, Principal Clerk; Joseph Phelan, Assistant Clerk; Wilson C. Bibb, Engrossing Clerk; John Tatom, Doorkeeper, and James H. Owen, Messenger; and is now ready to proceed to business.

Mr Alston, introduced a bill to be entitled an act, to change the times of holding the county courts of Marengo county, which was read a first time.

On motion of Mr Alston, the constitutional rule, requiring bills to be read on three several days, was dispensed with, and the bill was read a second time forthwith.

On motion of Mr Alston, the constitutional rule was further dispensed with, and the bill received a third reading, and passed the Senate: Ordered, that its title remain unchanged.

Mr Toulmin introduced a bill to be entitled an act to incorporate the Torrent Fire Engine Company No. Five, of the city of Mobile, which was read a first time, and ordered to a second reading on to-morrow.

Message from the House of Representatives, by Mr Garrett:

Mr President: — The House of Representatives, concur in the resolution of the Senate appointing a joint committee of the two Houses, to wait on the Governor, an inform him that the two Houses are organized, and ready to receive any communication he may think proper to make, and has appointed on the part of the House, Messrs Wynn, Moore of Madison, and Mallard.

On motion of Mr Oliver,

Resolved, That the committee on the judiciary, inquire into the expediency of amending the law of dower, and that they report by bill or otherwise.

Mr Hudson offered the following resolution:

Resolved, That a committee of three be appointed by the Senate to act with such committee as may be appointed on the part of the House of Representatives, to examine the Comptroller's and Treasurer's Office; and whether the Comptroller and Treasurer, have discharged the duties strictly according to law.

Which was adopted, and Messrs Hudson, Farrar, and Oliver, were appointed said committee on the part of the Senate.

Mr McVay from the joint committee appointed on the part of both Houses of the General Assembly, to wait on His Excellency, the Governor, and inform him that the two Houses had convened, formed a quorum of their respective Houses, and are now ready to receive any communication His Excellency may see proper to make them, reported that they had performed that duty, and received for answer, that he will make a communication in writing to-day, at twelve o'clock.

On motion of Mr Rice,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of repealing the fifth section of the ninth chapter of the military code, and report by bill or otherwise.

On motion of Mr Address,

Resolved, That the printers in the town of Tuscaloosa, be permitted to come within the bar of the Senate, to take notes of the proceedings of the same.

Mr Terry asked and obtained leave of absence, for Mr Wilson of F., until Friday morning next.

Message from the Governor, making his annual communication, by Colonel Thomas B. Tunstall:

EXECUTIVE DEPARTMENT,
Tuscaloosa, Nov. 2d. 1840.

Gentlemen of the Senate,

and of the House of Representatives:

Many reasons unite in rendering the present session of the General Assembly, one of unusual interest and importance.

In recurring to the history of the current year, it is painful to have occasion to remark, that the hand of disease has fallen heavily upon the population of every section of the State, and some eminent and many valuable citizens have fallen victims to its irresistible sway. It is also a source of additional discouragement, amidst the difficulties under which we are laboring, that the cotton crop, the great staple upon which we rely almost exclusively to relieve ourselves from the present weight of pecuniary embarrassment, will, probably, fall short of the crop of the preceding year at least one third, in consequence of the ravages committed upon it, during the summer and autumn, by a natural enemy of the insect tribe, variously denominated, in different sections, the cut-worm or the army worm.

These calamities, however, lie beyond the reach of human agency or control; and while the former should admonish us of our constant dependence on a higher power for the continuance of existence, and all its attendant blessings; the latter should stimulate us to move vigorous habits of industry, frugality and economy; and both combine to increase our reverence and adoration of Him, without whose superintending providence and direction, individual, or political prosperity is equally unattainable. We should also derive consolation and encouragement from the reflection that, although the hand of misfortune may, for a season, depress our energies and impair or diminish our abilities, it is, most generally, in periods of the darkest adversity, that mankind have, in the highest degree, exhibited those great moral and intellectual qualities, which assert and establish their high capacity for self government, and entitle themselves, by the exhibition and practice of the cardinal virtues of temperance, moderation, firmness and patriotism, to the admiration and gratitude of succeeding ages.

Coming as you do, from the different sections of the State, and familiar, as you doubtless are, with the wants, the wishes and public disposition of our common constituents, you will, of course, be prepared to enter upon the labors of the session, with that intimate knowledge and those enlarged and patriotic views, which are essentially necessary to useful and enlightened legislation. And I flatter myself, that the earnest heretofore given, affords a sufficient guaranty of the most cordial disposition on my part, to co-operate with you, in the accomplishment of such measures, as may be calculated to promote the public good.

Among the subjects most likely to occupy a prominent place in your deliberations, the present condition, and future management of the State Bank system, will not be the least interesting or important.

The intimate connection between this subject and the currency, or what shall constitute the circulating medium, renders it, in my judgment, one of incalculable magnitude, not only in reference to the present condition, but to the future prosperity of the people of this, as well as of the other States of the Union.

From the deliberate and careful examination of the provisions of the federal constitution, with a view to ascertain the powers of the general government in relation to this subject, I came fully to the conclusion, and so expressed myself in the first message I had the honor of submitting to the Legislature, that the federal government possessed no power whatever over the currency, except to coin money and regulate the value thereof. This conclusion is to be deduced not only from the entire absence or omission of any provision in the Constitution of the United States, conferring upon the general government the power, either to regulate the currency, or to supply a paper medium ; but from the impressive recollection, that all the States without exception have, from the origin of the government, exercised the power of chartering banks, and of supplying, through the medium of bank notes, a paper circulation, without any attempt on the part of the general government, to prohibit or restrain them. It is true, that the federal constitution prohibits the States from passing any law making any thing but gold and silver a legal tender in the payment of debts. But this provision, so far from giving the banking power to the general government, or withholding it from the States, raises the strongest implication, that the framers of the constitution, aware that the power of chartering banks had been left to the States, were anxious to guard against the abuse of that power, by providing, that bank paper should never be considered as money; thereby furnishing the strongest inducements to those who used it, to make it approximate as nearly as possible, to a proper specie standard.

The power to incorporate banks, and through them to supply a paper medium, is not an incomplete or imperfect one on the part of the States, or one which they may exercise concurrently with the general government.

Our federative system is one of delegated and limited, specified powers to the general government; and of reserved rights and powers to the States. That which has been surrendered, by being delegated to the general government, can never properly be exercised by the States; and that which has not been delegated to the general government, remains with the States respectively, or with the people, and cannot be exercised by the general government, without encroachment on the rights of the States, and a consequent violation of the constitution.

Impelled by an earnest desire to preserve the principles of the compact, to which the States of the Union are parties, from violation, and a determination, so far as depends on me, in performing the part assigned me by the constitution and laws, to guard against any encroachment on the rights of the States, it is extremely desirable that the State Bank system should be placed on such a footing, as would enable it to fulfill the important function of furnishing, within the sphere of its appropriate action, a sound circulating medium, not liable to depreciation in value. This object, so much to be desired, can only be effected, by so regulating and restraining the issues of the banks, as to enable them, at all times, to redeem their bills in specie on demand.

The great question between a purely metallic and a mixed currency, consisting of the precious metals and paper predicated upon, and convertible into them

at the pleasure of the holder, seems not to be definitively settled, in the judgment of American statesmen.

Looking to the past, the present, and the future, the inclinations of my own mind are decidedly in favor of a mixed currency, the paper portion of which should always be convertible into gold or silver, at the will of the holder.

One of the great errors most frequently committed, in treating of financial topics, consists in regarding bank notes as money — whereas gold and silver alone are entitled to that appellation; and bank notes are nothing more than promises to pay a given amount in money.

If the question of furnishing a circulating medium were an original one, presented now for the first time, I should, in view of the permanency and stability of the value of property, to guard against the fluctuations and disastrous convulsions in commerce, incidental to the paper banking system, and against the possibility of depreciation in value of the currency itself, incline strongly to a purely metallic currency. But it is to be recollected, that the paper system, in some form or other, is coeval with the existence of the government, and has so entwined itself around all our business habits, that, to interrupt it suddenly, and more especially, to abolish it altogether, would produce a shock, which if it could be borne at all, out not, in my judgment, to be inflicted. If we are correct in supposing that a mixed currency is best, or, that in the present state of things it is indispensable, the next question which presents itself is, in what manner the paper portion of it can be made at all times convertible into specie, with the greatest certainty, and the least danger of disappointment to the holders.

After a full reflection, aided by a careful and respectful examination of several of the most approved theories upon the subject of banking, I am of opinion, that this object might be attained with reasonable certainty, in well managed banking institutions, by never permitting the circulation of a bank to exceed two dollars in paper, for every dollar of specie in its vault, or at such points as the ordinary business of the bank might render it necessary to have it.

Other systems, admitting of a more enlarged circulation in proportion to the amount of specie, might enable them to redeem their notes with specie at all times; but the one here indicated, most probably would. And I am perfectly free to admit, that after all the light that has been shed upon this important and intricate question, I have never been able to understand the process by which a bank could redeem three dollars, and as not unfrequently happens under existing systems, twenty with one.

The answer to this argument is, that banks are seldom called on to redeem all or any considerable portion of their circulation at, or near the same time. To this it may be replied, that there is scarcely a bank of discount and circulation in the world, which has not at some time or other suspended specie payments for want of ability to redeem its notes; and experience upon this, as well as every other subject, is believed to be a much safer instructor than any theory, however plausible in itself, or gratifying it may be to individual cupidity and avarice; which are believed to be the main pillars which sustain most of the modern theories upon the subject of banking.

It is contended, however, that confidence is to come in aid of capital, and that part of the void which, according to the views here submitted ought to be filled with gold and silver, is to be supplied by confidence.

Confidence is certainly a valuable principle, and one which ought to be cultivated and cherished. It sweetens the intercourse of life, and tends greatly to facilitate commercial dealing. But confidence and capital are not convertible terms. Con-

fidence and credit are, in the ordinary and in the literal sense of the terms, much more nearly so. The only profitable or useful kind of confidence is that which is reposed in the disposition of a man to apply his means to the fulfillment of his engagements. And he who confides in an individual or corporation to pay thrice, or even a greater proportion than such individual or corporation is worth, will almost invariably find his confidence misplaced; as the deeply embarrassed condition of this and almost every other civilized country but too fully attests. The system of two dollars for faithful representative of money, but is conceived to be perfectly equitable so far as the Banks themselves are concerned, by enabling them to keep in circulation and realize a profit upon an amount of paper equal to the amount of their capital; while it would effectually guard against those sudden expansions and contractions which operate so ruinously upon commerce, tend to foster a spirit of gambling speculation and render the value of property at all times unsettled and uncertain. It should be recollected too, that the object of our State Banking system, was not so much to enable the Banks to make large profits out of the wants or necessities of the people, but to furnish a circulation commensurate with their reasonable wants, not liable to depreciation in value.

Impressed with the importance and correctness of these views, I earnestly recommend to you the adoption of such measures, as will as early as practicable, enable the Bank of the State of Alabama and the several Branches thereof, to resume specie payments, and to continue to redeem their notes on demand, without future interruption. The only way of effecting this object is, by bringing and keeping the circulation of the Banks to the standard before stated, and never permitting them, at any time, or under any circumstances to exceed it. The transaction of much too large a portion of their business on long time, is believed to have been fraught with the most pernicious consequences to the borrowers as well as to the banks, and ought in their future operations to be guarded against as far as possible. It would also tend greatly to purify and invigorate the ordinary channels of circulation, to restrain the Banks from issuing any bill of a less denomination than twenty dollars, and in connection therewith to exclude from circulation, by more efficient legislation, those pests of ordinary circulation, individual change bills.

My opinions in relation to the best method of managing the Banks most successfully, and which have undergone no change, have been more than once submitted to the General Assembly; and it is deemed altogether unnecessary to go into further detail of them in this communication.

I am so deeply impressed with the importance of changing the mode of electing the directors, that I should be wanting to a sense of public duty, were I to fail to press it again upon the serious consideration of the General Assembly. One of the strongest, and certainly one of the best founded objections to the late Bank of the United States, apart from its unconstitutionality, was the malign influence, such an institution, dependent upon Congress for a recharter, was likely to exert upon the members of that body; and it is difficult to resist the conclusion, that too intimate a connection and dependence between members of the Legislature and Bank Directors, will be apt to produce the same evils here, and perhaps have the effect, in the end, of placing the Banking system of the State, first under the control of members of the Legislature; and finally under the control of the debtors to the Banks—a state of things which they could not long survive.

The salaries of the Presidents of the Banks are believed to be too low, and every way calculated to exclude from the management of the Banks suitable talents and qualifications; and to invite into them those who are entirely destitute of the necessary qualifications to manage their affairs with ability.

Perhaps of all the modes calculated to degrade the public service, by bring faithless and incompetent men into office, none is more effectual than low and inadequate

salaries—especially offices requiring talents of a peculiar kind; constant and diligent attention ; and imposing great labor and responsibility .

Competent commissioners have been appointed to examine the different Banks in the State, whose reports will inform you of the actual condition of those institutions up to the commencement of your present session, except the Branch Bank at Decatur; where, owing to the failure of one of the commissioners to receive the evidence of his appointment for some weeks after it was issued, and the sickness of the officers of the Bank, it is not probable the examination will be completed for some weeks. It will no doubt, however, be done in time for all salutary purposes.

Under the act of 29th January 1840, to recall and cancel the unsold bonds issued by the State of Alabama, the President and Directors of the Bank of the State of Alabama have returned bonds, amounting to three hundred and thirty-four thousand dollars—the President and Directors of the Branch Bank at Huntsville, bonds to the amount of five hundred thousand dollars—and the President and Directors of the Branch at Montgomery , bonds to the amount of six hundred and sixty-seven thousand dollars: all of which have been cancelled and are deposited in the Treasury Department, subject to the final disposition of the Legislature.

It will also be perceived by a letter from the President of the Bank of the State of Alabama, a copy of which is herewith submitted , that proper steps have been taken to recall all the bonds remaining unsold, belonging to that institution; and that they are now in the hands of the Cashier of the Bank of Mobile, awaiting the navigable state of the river, to be transmitted to the Bank at this place. The withdrawal of so large an amount of our stock from market, cannot fail to have a most beneficial effect on the credit of the State, and enhance the value of our stock, if, at any time hereafter, circumstances should render it necessary to raise money on the public credit of the State. Influenced by a constant desire to preserve that credit unimpaired, and to counteract the mischievous tendency and effects of the proposition, which seems to be seriously entertained in some portions of the country, for the General Government to assume the payment of the debts of the individual States, I beg leave again to press upon the consideration of the Legislature , the propriety of providing without further delay, either in the mode pointed out in my last annual message, or in such other mode as the wisdom of the Legislature may suggest , a sinking fund for the redemption of our State stock.

Immediate attention to this subject is not only required by that constant regard to the high considerations of good faith, which we should always guard with the most sedulous care, but, will put at rest, so far as Alabama is concerned, a proposition pregnant with more pernicious consequences to the sovereignty and separate independence of the State , than any which has agitated the national councils. For, it may be safely assumed , that whatever authority has the right or is permitted to exercise the power, of paying the debts of a State or nation, will ultimately control its will and its political action.

The adaptation of the criminal laws of the State to the Penitentiary system of punishment, will commend itself to the prompt and early consideration of the Legislature. The Code prepared by the Judges of the Supreme Court, and submitted during your last session, has been examined with some attention, and is considered , in the main, to be entitled to your favorable consideration. The great desideratum in the application of human punishment to crime and moral delinquency, is the just and proper medium between the rigid rules of stern inflexible justice, and a proper regard to the sacred principles of humanity and enlightened public benevolence—guarding with cautious vigilance and circumspection against excessive and disproportioned punishments on the one hand , and a spirit of diffusive and indiscriminate sympathy with offenders on the other.

The framers of the constitution , in a spirit of philanthropy which cannot be too highly commended , expressly provided in that instrument , that our penal code should

be founded on principles of reformation, and "not of vindictive justice;" and no one who has bestowed the least attention to the administration of the criminal law in this State, can believe for a moment, that this salutary principle has been violated in practice; and it would constitute a most agreeable reflection, if we could assert with equal truth and sincerity, that the moral sense of the community was not frequently shocked at seeing actual offenders, after undergoing the forms of a legal trial, stalking unpunished amongst us, and in some instances swelling the torrent of guilt, by the commission of new, or the repetition of former offences.

To protect the innocent, and to punish the guilty, by certain and adequate inflictions, in cases where guilt is clearly ascertained, is among the first and highest objects of the social compact; and it certainly cannot be calculated, either to deter offenders from the commission of crimes, or to elevate the moral character and condition of society, to cast our sympathies into the scale of vice and immorality, which already have too great a preponderance, instead of exerting them in behalf of social order and the just supremacy of the laws. In fact, the introduction of the penitentiary system of itself affords the clearest indication, that the great object of the Legislature was, as it should have been, to restrain the hand of lawless violence, and to relieve offenders, except of the very highest grade, from the ignominious effect of public corporal punishment, and to reform them, if possible, by excluding them from temptation and the haunts of vice, by solitary confinement and employment; thereby affording them the opportunity, by reflecting on the crimes and misdeeds of a past life, to redeem themselves from the depths of moral degradation, into which they had unhappily fallen.

According to the terms of the contract for erection of the penitentiary, the building will be completed by the first of May, 1841. Of the sums heretofore appropriated for this object, there remains an unexpended balance in the Treasury of twelve thousand seven hundred and ninety-seven dollars; and a further appropriation of thirty-four thousand nine hundred and fifty dollars and fifty cents, will be necessary during your present session, in order to fulfill the contract.

Your attention is respectfully directed to the more perfect arrangement of the Chancery Courts. According to the present arrangement, the labors of the Chancellors are in my estimation, too great for the compensation they receive. Perhaps in addition to a more perfect arrangement of the divisions, which at present is understood to be very incomplete and inconvenient, the best way in which the existing defects could be remedied, would be, by the election of an additional Chancellor, or by raising the salaries of the present Chancellors, or, by repealing the law which requires them to alternate. This latter requirement which greatly increases their labors is not deemed a matter of importance or necessity, as all their proceedings are subject, if the parties desire it, to revision in the Supreme Court.

Under the militia laws of the State, as revised and amended, most of the Brigadier Generals have provided tents for the use of the officers attending brigade encampment drills. The expense of providing tents has, in many instances, greatly exceeded any estimate I had formed upon that subject. The power to procure them, under existing laws, is given exclusively to the respective Brigadier Generals; and as it was to be presumed that they were properly attentive to economy and the public interest in making contracts, and especially as no discretion was believed to be vested in the Executive, these accounts were approved and paid as they were presented duly certified, according to law. Several hundred stands of the public arms have been collected and repaired during the year; and it will become your duty to make suitable provision to pay for this service, when the accounts are presented.

In obedience to the joint resolutions of the 31st January, 1840, I caused to be made out, certified by the Comptroller of Public Accounts, and State Treasurer, and forwarded to the War Department a statement of the amount paid by the State of Alabama on account of the expenditures growing out of the late war with the Creek Indians. You will perceive by Mr. Poinsett's letter, a copy of which I have the honor

to submit, that it is necessary to furnish the War Department with the vouchers and a specification of the items for which the money was expended. The only vouchers within the reach or knowledge of this Department, are those which were preserved by the Commissioner appointed by my predecessor, the Hon. C. C. Clay, to audit and settle these accounts. These I have caused to be copied and forwarded to Washington; but sufficient time has not elapsed for me to be informed whether they will come within the requirements of the War Department. As these vouchers relate principally to the accounts settled by the Commissioner, and not to those that were paid by direct appropriations, I invite your further attention to this subject.

It is well known that I came into office, not only favorable but pledged to the subjects of Education and Internal Improvement. This pledge, although to a great extent unredeemed, has not been forgotten, or purposely neglected. It will be remembered that the period within which it has fallen to my lot to administer the government, has been one of extraordinary difficulty and embarrassment, every way unpropitious for engaging extensively, or successfully, in the prosecution of either of these objects—Nor am I satisfied that the time has yet arrived, when we can, with perfect propriety, embark in the accomplishment of matters which every one so much desires. But from a thorough conviction, that the amount employed in banking in this State, would, if we had the actual capital, greatly exceed the amount necessary to supply the sound reasonable wants of the community, I respectfully recommend to the General Assembly the propriety of withdrawing a part of the capital now employed in banking, as fast as the condition of the banks will justify it, and applying it in such manner, and in such proportions as the legislature may, in their wisdom, consider most proper to the purposes of Internal Improvement and a general system of Education.

The construction of some work of Internal Improvement connecting the Tennessee river with the navigable waters of Mobile Bay, thereby forming a permanent link of intercommunication between the Northern and Southern sections of the State, has so long occupied the public mind, and is justly considered a subject of such intrinsic importance, that nothing but imperious necessity can fairly excuse its postponement to the present time. The only modes in which this work can be accomplished are, by canal, railway or macadamized road. In deciding in favor of either of these modes, the relative cost, advantages, convenience, and adaptation to the condition of the country, and particularly to the productions of the sections that would be connected by it, must be taken into the estimate. Without intending to disparage or to discourage the adoption of either of the other modes, a macadamized road has, in my opinion, advantages over either of the others; although it is not improbable, that, in expressing this opinion, I shall subject myself to the imputation of a retrogressive spirit, not congenial with the improvement of the age.

The arguments, which to my mind, give to this mode of improvement advantages over every other are, cheapness in the construction and repairs greater practicability, less liability to accidents, and greater adaptation to the convenience of the great body of the people. But the main reason in favor of a macadamized road is, that the country to be connected by this road with Mobile, is, emphatically a provision raising region; and even if the heavy productions in which it abounds, could be transported on railroads, it would have the effect of greatly enhancing the cost of transportation and would throw out of employment a considerable portion of the capital employed in raising those productions, for a considerable period of the year. Whereas, if the other description of road be adopted, the hands, the teams, and the wagons used in making the produce, could be profitably employed in transporting it to market. In fine, to repeat a sentiment which cannot be too often repeated, or deeply inculcated. it would produce the greatest good to the greatest number.

Although deeply impressed with the utility and importance of a work of this kind. if the legislature should be of opinion that either this object, or the general system of

Education to which I have referred, should be postponed to a period of greater public prosperity, I have no hesitation in expressing the opinion, that Education should be put in advance of every other interest. Indeed, when we attempt to estimate the advantages of Education, in preparing mankind for all that is useful, honorable, and praiseworthy in this life, and for an higher state of moral and intellectual enjoyment in that which is to come, it is difficult to place any other interest in competition with, it; or to resist the unwelcome conclusion, that we have already slumbered too long upon this vital subject. Considering, too, that ours is emphatically a government of opinion, and that opinion is enlightened, the advantages of Education cannot be too highly appreciated in a political point of view. It is that alone which can keep alive the vestal spark of enlightened patriotism: and while I am free to declare, that I should rejoice to see the resources of the State fully developed by the construction of every kind of improvement, which could tend to the consummation of that object, I would rather be instrumental in imparting to the indigent and orphan children in the State of Alabama, the rudiments of a common English Education, than to enjoy the exclusive credit of constructing a railroad from Louisiana to the Lakes. This system, when once set in motion by the munificence of the legislature, carrying as it will, its genial influences like the rays of the sun, into every corner of the State, aided as it will be, by the fostering influence of enlightened, public opinion, could not fail of ultimate success. It is admitted, that the sparseness of our population in many parts of the State, would present an impediment to the immediate and entire success of the system.

But it is surely not expecting too much of freemen in this enlightened age, to presume, that they would be willing to submit to some privations, and to encounter some difficulties, in order to open to their children the avenues to learning and moral improvement, by which they would, in the end, be conducted to the valuable fountains of virtue and knowledge.

The present amount of capital employed in banking, is ten millions eight hundred and sixty thousand dollars. It is believed ? six millions are as much as can be advantageously employed in that mode; which would leave four millions eight hundred and sixty thousand dollars, as fast as it can be related by the Banks, to be appropriated to other objects. The impolicy of employing too large a capital in banking, and the evils of a redundant circulation have been so fully realized, that if the Legislature should be indisposed to employ any portion of it in the manner I have indicated, I am clearly of opinion, that the capital of the banks should be reduced to six millions; and the excess above that sum, applied to the redemption of the stock.

The University of Alabama, in the success of which we have so deep an interest, has not been unaffected by the causes which have operated upon every other department of the public interest. Owing to the extreme unhealthiness of the past season, and to the deep state of pecuniary embarrassment, the number of students is less than at the commencement of your last session. The President and officers of the Faculty continue to be faithful and unremitting in their exertions to promote the utility; and elevate the character of the Institution; and to fulfill the high expectations that were formed of their merits and qualifications. Inasmuch as the Board of Trustees will meet and report to you upon the affairs of this Institution generally during the present session of the Legislature, it is deemed unnecessary to go into further detail in this communication.

The disposition unhappily manifested in so many quarters, and in such a variety of shapes, to interfere with the question of domestic slavery in those States where it exists under the sanction of the Constitution and which to my mind has so clearly assumed a political aspect, and to threaten the stability of the Government, by putting in the most imminent peril the safety of the Southern people, renders it an imperious duty to bring the subject to the notice of the Legislature.

It will not be expected, in a communication of this kind, that I should enter upon a defence of slavery, either practically, as it exists in this country, or as a question of abstract moral right. Although it is believed notwithstanding the depraved and morbid sensibility manifested upon the subject, that the truth of the following propositions is clearly demonstrable—That negroes in the slaveholding States of this Union, enjoy the necessities of life, in greater abundance than the laboring poor, or those who have to labor for subsistence, in any country under the sun; and that they have fewer cares, fanaticism itself will admit. Second: That if they were emancipated, it would make their condition worse instead of better. Third: Slavery will always exist, as it always has existed in every age and country under every form of government and modification of human society, in some form, and that the class are better adapted to the condition of servitude than any other. Fourth: Experience has already proven, that all attempts at colonization in the country whence they originally came, are futile and hopeless, Fifth: If the American slaves could be colonized, they would descend to the condition of the natives, instead of imparting the benefit of their limited information and civilization to them. Sixth: That slavery existed from the earliest generations after the deluge, if not with the express sanction of the Divine will, without any prohibition; and that the inspired Apostles fully recognized it, as an institution sanctioned by the Almighty himself. Seventh: There is not a country in Europe in which servitude does not exist, in a more oppressive and degrading form, than the system of slavery in the United States, If these propositions are true, what modern teacher of morality is entitled to the discovery, that slavery is a great moral evil, the weight of which is sinking the character of this country below the standard maintained by the Goths and Vandals?-- Was it the great and eminent men who framed the Constitution and who were at least as pious, as humane intelligent, as these Abolition harpies, who are laboring to subvert an institution as old as society itself, and which, notwithstanding all their efforts, will be co-existent with it?

The framers of the Constitution expressly recognized the existence of slavery, by including slaves in the ratio of representation; viewing them as they are, and as they must continue to be, while the principles of the Constitution endure, in the mixed light of persons and property. If it be within the decrees of Omnipotence, that the distinctions of rank and color are to vanish and be done away, and the servant is to be free from his master, it will only be when the institutions of human society shall give place to that state of things, in the ordering of which human agency can have no control, and which can neither be accelerated nor postponed by human exertions. Slavery in some form will always exist. It is one of the incidents of society, a melancholy one if you please, but it has existed from the foundation of the world, and exist it will till time shall be no more.

But while we insist upon our rights, we should never be insensible to our duties, as masters. The relation of master and servant is one of vast importance both in a moral and political point of view—more important, perhaps, than any which now exists. The other social relations are viewed in the same light by all civilized nations; nor is it easy to conceive of any cause likely to disturb them. With the relation of master and servant this, unhappily, is not the case. Let us then, from an exalted sense of what is due to ourselves, and from a sacred regard to humanity and justice, so fulfill this relation as to put those, who are disposed officiously to interfere with our rights, to shame; and to prove ourselves worthy of the superior position in the scale of being, in which it has pleased Divine Providence to place us. I feel no assurance, however, that the most righteous course on our part will ensure our future tranquillity upon this subject—indeed, from present indications I am strongly inclined to think

that it will not. A fervent attachment to the union of the States, and an ardent desire that that union might be perpetuated, has rendered me averse to the agitation of any question that would be likely to weaken the bonds which unite us as one people. There is, however, a point in public, as well as private affairs, beyond which forbearance ceases to be a virtue. And, when we see regularly organized societies, for the avowed purpose of abolishing slavery, infesting considerable portions of our country, disseminating their pestilential doctrines in every direction—when we see American citizens, unmindful of all the obligations that ought to bind them to their country, confederating with foreigners for the purpose of disturbing rights secured to us by a compact to which the States of the Union are parties—when we see the halls of Congress flooded session after session with petitions asserting the right of Congress to abolish slavery in the District of Columbia, (no doubt with a view of extending the same principle to the States) and to inhibit the traffic in slaves between the States, and importuning them to exert it—when we see the question of abolition made a test for the highest offices in many of the States — when we see State legislatures, in their high representative capacity, adopting resolutions denouncing slavery as a political evil, and one that ought to be abolished —when we behold the Legislature of one State enacting laws giving to runaway slaves the right of trial by jury to decide upon the question of property in said slave, and the trial to take place in a community where slavery is daily denounced as a curse, and slaveholders as monsters and tyrants; and the Governor of another State refusing to surrender persons charged with stealing slaves when demanded by the proper authority—when we see the two branches of the Legislature of one of the oldest States in the Union, pass a bill through both houses of the General Assembly, legalizing marriage between negroes and white people, and the country only saved from the disgrace of such a measure by the veto of the Governor—when we behold, in various quarters of the Union, the professors of a pure and holy religion, and the pretended disciples of its divine and immaculate Author, declaring that slavery is a sin, which admits neither of extenuation or excuse, and throwing their exertions into the stream that threatens to overwhelm us, by inciting our slaves to acts of rebellion, insurrection and murder; it is time to awaken from the state of fancied security in which we have hitherto reposed.

Neither are the exertions making in other countries, calculated to allay our apprehensions upon this subject. Within the present year a convention, at which some Americans unworthy of the name, were present as members, was holden in the metropolis of the British Empire, the object of which was the abolition of negro slavery throughout the world. And the proceedings of this foreign convention, aiming a fatal blow at the rights and safety of one entire section of the United States, has been heralded through the public mail under the official frank of the representatives of a portion of the people of the United States. Perhaps it is not so remarkable that religious fanatics and political zealots in England, shuddering at the recollection of the horrors of the African slave trade, which combined in its practice the dreadful crimes of kidnapping, piracy and murder, and in which the Dutch and English were the first, and beyond all comparison the greatest offenders, should be anxious to expiate their own sins by attempting to disturb the relation of master and slave in other countries; but it is greatly to be regretted that any portion of the people of this

country should be so much under the influence of their ancient tyrannical masters as to have fallen into the same unhappy delusion.

It is possible, that Southern statesmen, fired with just indignation at the repeated efforts of Northern and Eastern members of Congress to interfere with rights secured to them by the constitution of a common country, may have erred in refusing to receive petitions upon the subject of abolishing slavery.

It may be possible that this subject is embraced within the comprehensive principle of the inalienable right of petition. If so, that right should be maintained inviolate. The petitions should be received, referred to a committee of abolitionists, who seem to set themselves up as the peculiar guardians of humanity and justice, with instructions to report their views, in order that, if this subject does not fall within the scope of the right of petition, it ought to be made felony by a law of the United States to present them. For, if the right to present such petitions be not an inalienable one, it is impossible to conceive of any act fraught with more dreadful consequences, or the perpetration of which would justly merit more highly penal enactments to suppress. My own opinion is that the only way in which the question could be presented as a debatable one, would be a proposition to amend the Constitution in this respect.

In view of the dangers impending over us, I respectfully suggest to the General Assembly, the indispensable necessity of presenting to the other States of this Union, and to the world, the views we entertain upon this subject, and which we intend to insist upon in every emergency, and are resolved to maintain at every hazard. I also recommend the adoption of the most effectual measures for suppressing the unlawful assemblages of negroes, and the circulation of incendiary publications and speeches among them, and a careful revision and improvement of the patrol laws. It is also believed to be a matter of imperious necessity, and therefore respectfully recommended, to hold a Convention of the slaveholding States, at such time and place as may be deemed most advisable, in order that we may be enabled, upon full consultation with those whose rights stand upon the same footing with our own, to adopt the most effectual measures for our mutual happiness and safety. It is perfectly idle for us, no matter what may be the depth and sincerity of our attachment to that instrument, to be clinging to the forms of the Constitution, while its substance is daily yielding to the rude tide of innovation and fanaticism, which is constantly lashing against it. And if, contrary to all the pleasing anticipations of the past, that instrument shall fail to secure to us the great essential objects contemplated by its illustrious founders, it becomes our duty, not only as patriots, but as rational beings, acting under the powerful instinct of self preservation to provide new guards for our future security. I am deliberately convinced in my own mind, that the period has arrived for the people of the South to act, and to act efficiently on this subject, or their weight and importance in the scale of national existence will be lost, and their safety endangered forever. And it is a consoling reflection that whatever contrariety of opinion may exist among Southern men upon other subjects they will be true to themselves, and to the compromises of the Constitution, and feel and act in relation to it, as one man.

With the view to concentrate more perfectly, the political energies of the State, as far as practicable, and of consummating the genuine State Rights' doctrine, I beg leave, respectfully to suggest the propriety of changing the mode

of electing members of Congress by districts, and of substituting in stead thereof , the General Ticket System. Every State entitled to a separate independent existence, is supposed to possess a sovereign will, constituted according to the theory of our government , of the opinions and wishes of a majority of the people. This sovereign will, when ascertained according to the provisions of the Constitution, forms, after all, the great operative principle of representative democratic government. Hence, in elections, whatever method is most likely to obtain an expression of that will, and to carry it out in practice , is most congenial to the theory of our form of government. According to the principles of the Constitution, the people of the States are represented in the popular branch of the Legislature—The people of the States in their aggregate sovereign capacity—and if it be true, that the will of this aggregate sovereign , constitutes the great cardinal and distinctive feature of representative government, it would seem to follow, inevitably , that whatever method was most likely to ascertain that sovereign will, and preserve it entire, is most conformable, not only to the spirit of the Constitution, but most conducive to the perpetuity of the sovereignty of the States. The General Ticket System, is not only believed to be defensible upon principle, but to be perfectly equitable in practice. It gives to a majority of the whole people of the State, at all times , whatever may be their political opinions , the entire , undivided weight of the whole representation in Congress. Whereas, the District System, not only tends to engender an attachment to sectional or local interests, at the expense of the whole, and some times to nourish a factious spirit, but to weaken the force of the State representation; and , in some instances , to paralyze it altogether in the national Legislature . It may be said however, that it is more convenient to elect by districts; and that persons so elected, are more likely to be informed particularly, of the various and minute interests of the district , than if they were selected from the State at large, and elected by general ticket.

This argument naturally divides itself into two branches. Upon the first it may be remarked , that most arguments derived from the mere consideration of convenience, ought to be scrutinized with great caution , as not unfrequently involving a violation of or departure from principle. The second member of the proposition is believed to be equally destitute of any solid foundation. In the first place, it may be safely assumed, that under the general ticket system, the most suitable and talented individuals would not only be apt to be indicated by public opinion, but would be selected from the different sections of the State, and would have their claims and qualifications endorsed by a majority of the people of the whole State, instead of a majority of a particular district. And it will hardly be contended that any one is qualified for a seat in Congress, whose knowledge is so limited as to be confined to the wishes wants or interests of a particular district. Under every aspect of the question, I am so well satisfied that the General Ticket system is most consonant to our democratic, representative system, that I recommend it to the most favorable consideration of the Legislature. I am not unaware that the time and the circumstances under which this recommendation is made and when every proposition of a public nature, is scrutinized with proper, and sometimes with rigid severity, may subject the proposition itself to animadversion, and the motives which prompt it to misconception and misrepresentation. But I should consider myself peculiarly unfitted for public employment in these times, and utterly unworthy of the confidence I enjoy, and which I hope to continue to merit, if I could, for a moment, permit the hope of applause, or

the fear of censure, to render me insensible to the sacred obligations of official duty.

It will not be expected, that I should notice all the topics which will merit your attention, during the deliberations of your present session. I console myself with the reflection that, whatever may be omitted will be supplied by your superior intelligence; and that the people will find in your patriotism and virtue, a sure corrective against any thing I may have recommended, incompatible with the public interest.

A. P. BAGBY.

Which was read, and on motion of Mr McVay was ordered to lay upon the table, and one thousand copies thereof printed.

On motion of Mr Hudson,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so altering and amending the law regulating damages on Foreign Bills, so as to make them the same, as the damages are on Foreign Bills of the adjoining States, with leave to report by bill or otherwise.

Mr Terry offered the following resolution:

Resolved, By the Senate, and with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Thursday the 5th instant, at twelve o'clock noon, for the purpose of electing a Senator in the Congress of the United States, occasioned by the expiration of the constitutional term of the Hon. Wm. R. King. on the 4th of March next.

Upon the adoption of which, the yeas and nays were demanded by Mr Alston.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Buford, Dent, King, Lea Oliver, Thornton, and Womack.

The resolution was adopted.

On motion of Mr Hudson, the Senate adjourned until to-morrow morning ten o'clock.

WEDNESDAY, November 4th 1840.

The Senate met pursuant to adjournment.

Mr Hudson, presented the account of S. P. Simmons; which, on motion, was referred to the committee on accounts and claims.

Mr Jones, presented a petition from the citizens of township nineteen, range two, west, in the county of Sumter; which, on motion, was referred to a select committee, consisting of Messrs Jones, Turner, and Dailey.

Mr President laid before the Senate, a statement of the liabilities of the President and Directors of the Branch of the Bank of the State of Alabama, at Mobile, and liabilities of the members of the General Assembly of the State of Alabama, and a statement of the amount paid on account of valueless sixteenth, sections, from the Branch Bank, at Mobile, and other documents; which, on motion of Mr Rice, was referred to the committee on the State Bank.

Mr Thornton, presented the petition of James B. Tartt, in relation to the contested election from the county of Sumter, the reading of which, was dispensed with, and on motion, referred to the committee on privileges and elections.

Mr Hudson , offered the following resolution :

Whereas , doubts seem to be entertained about the power of the judge of the circuit court, to appoint a clerk of the court out of the circuit, for which they were elected: therefore,

Be it resolved, That the judiciary committee, be instructed to inquire into the expediency of so altering and amending the existing law on that subject, as to give the presiding judge of the court, where a vacancy occurs, full power and authority to make the appointment, and that they report by bill or otherwise.

Which was adopted .

On motion of Mr Rice,

Resolved, That the committee on retrenchment be instructed to inquire into the expediency of electing a messenger for the Senate.

Which , on motion of Mr . Alston, was laid on the table.

Mr Lea, introduced a bill, to be entitled an act in relation to the judges of the county court; which was read a first time, and ordered to second reading to-morrow.

On motion of Mr Clarke,

Resolved, That the committee on the State Bank, be instructed to inquire into the expediency of changing the present mode of electing the officers of the several Banks of the State of Alabama, and that they report by bill or otherwise.

Mr Hudson, introduced a bill, to be entitled an act regulating punishment under the Penitentiary system ; which was read a first time, and on motion of Mr Hall, laid upon the table.

The Senate then proceeded to the consideration fo the orders of the day.

The bill to be entitled, an act to incorporate the Torrent Fire Engine Company No. Five, of the city of Mobile; was read the second time, and on motion of Mr Toulmin , was referred to a select committee, consisting of Messrs Toulmin, Rodgers, and Alston.

On motion of Mr Creagh, Mr Clarke was added to the committee on military affairs.

On motion of Mr Rice

Resolved, That the committee on the judiciary , be instructed to inquire into the expediency of changing the time of holding the circuit court of Morgan county, and extending the term thereof.

On motion of Mr King,

Resolved, That the Doorkeeper purchase , for the use of the Senate, one dozen copies of the Criminal Code, if they can be procured without additional printing.

On motion of Mr Terry, Mr Hall was added to the committee on privileges and elections.

Mr Thornton asked to be excused from serving on the committee on the State Bank.

On motion of Mr Rice, the Senate adjourned till to-morrow morning ten o'clock.

THURSDAY, November 5th, 1840.

The Senate met pursuant to adjournment.

Mr Lea, announced the arrival of Wm. S. Phillips, the Senator elect, from the county of Dallas, who was qualified and took his seat.

Mr Dailey, presented the account of Jefferson Buford, the reading of which

was dispensed with, and was, on motion, referred to the committee on accounts and claims.

Mr Buford , introduced a bill, to be entitled an act to enable Margaret Ivy, to exercise the rights of a feme sole ; which was read a first time, and ordered to a second reading.

Mr King, introduced a bill to be entitled an act to improve that portion of the Beckbee river, above its junction with the Warrior, not heretofore embraced in any act for the improvement of the navigation of the Beckbee river; which was read the first time, and ordered to a second reading.

Message from the Governor, by J. D. Bagby, his private Secretary.

EXECUTIVE DEPARTMENT,

Tuscaloosa, Nov. 4 1840.

Gentlemen of the Senate and of the House of Representatives: —I have received during the recess of the Legislature, with, a request to lay them before you, copies of joint resolutions of the Legislature, with a request to lay them before to the rejected members of Congress , from that State:

Joint resolutions of the Legislature of South Carolina, in relation to the Georgia and Maine controversy:

Joint resolutions of the General Assembly of Connecticut, concerning the public lands, and in relation to the protective policy of the General Government:

Joint resolutions of the State of Maine, relating to the North Eastern Boundary:

Preamble and joint resolutions of the Common wealth of Kentucky, concerning the public lands: and

Resolutions of the citizens of Georgetown, in the District of Columbia, praying the retrocession of that part of the District to the State of Maryland:

[Signed] A. P. BAGBY.

Hon. J. L. F. COTTRELL, President of the Senate.

Which message was read , and on motion of Mr Hudson, was ordered to lay on the table, together with accompanying documents.

The Senate then took up the orders of the day.

A bill to be entitled an act in relation to judges of the county courts, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary, which completed the orders of the day.

On motion of Mr Hudson, the bill to be entitled an act regulating punishments under the penitentiary system, was taken from the table, received a second reading, and on motion of Mr Hudson, referred to the judiciary committee.

On motion of Mr King.

Resolved ,That the judiciary committee be instructed to inquire into the expediency of amending the law establishing a chancery court, so as to give to each county in this State a court of chancery.

On motion of Mr Hudson, the message of his Excellency, the Governor, was ordered to be taken from the table, and on motion of Mr. Hudson,

Resolved , That the Senate resolves itself into a committee of the whole, tomorrow at the hour of twelve o'clock, upon the Governor's message.

On motion of Mr Turner,

Resolved , That the committee on the State printing , be instructed to have printed for the use of the Senate and House of Representatives, one hundred and thirty five copies of the Penal Code, as presented by the Judges of the Supreme Court at the last session of the Legislature.

On motion of Mr Hudson,

Resolved, That a committee shall be raised and added to the standing committees, to be styled the Committee on Federal Relations.

Mr Lea offered the following resolution which was adopted:

Resolved , That the committee on education be, and they are hereby instructed to inquire whether there are any, and what defects there are, in the act passed at the last session of the Legislature, entitled an act to raise a school fund to aid the valueless sixteenth sections in this State: to what extent the citizens of the State have availed themselves of its advantages: whether it is likely to be equal , just and beneficial in its operations and that they have leave to report by bill or otherwise.

On motion of Mr. Alston,

Resolved, That the judiciary committee be instructed to inquire into the expediency of authorizing the sale of personal property, levied on by attachment and not replevied within a reasonable term.

On motion of Mr. Dent,

Resolved, That the public printers for the year 1840, be required to lay before the Senate at as early a day as practicable, their accounts for printing done since their election.

On motion of Mr Oliver,

Resolved, That the judiciary committee be requested to inquire into the propriety of so amending the laws regulating the drawing of jurors, as to prevent any juror from serving more than twice in succession.

Message from the Governor, by J. D. Bagby, his private secretary:

EXECUTIVE DEPARTMENT,

TUSCALOOSA November 4, 1840.

Gentlemen of the Senate and House of Representatives—

I have the honor to lay before you a statement of vacancies that have occurred, and appointments in offices to be filed by the General Assembly , since the adjournment of the last session of the Legislature. I have also the honor to inform you that there is a vacancy in the office of solicitor of the tenth judicial circuit, in consequence of the resignation of B. B. Breeden, Esq. and in the office of judge of the county court of Cherokee county, by the resignation of the Hon. George Birdwell, late judge of said court, which have not been filled owing to the fact of the resignation of those officers not having been received at this department until a very short time previous to the commencement of your present session.

(Signed) A. P. BAGBY.

Hon. J. F. COTTRELL, President of Senate .

The following is a list of the appointments made by Arthur P. Bagby, since the last adjournment of the General Assembly , viz: William Hale, to be judge of the tenth judicial circuit, in place of Benjamin F. Porter resigned ; Joseph Hall judge of the county court of Baldwin , in place of Patrick Byrne, resigned; Jacob Pearson, to be judge of the circuit court of Monroe county, in the place of John J. Roach, resigned; William F. Pierce, to be judge of Greene county court, in place of William B. Street, resigned; Stephen Cobb, to be judge of Covington county court, in place of Josiah Jones, resigned ; George A. Snowden, to be judge of Covington county court, in place of Stephen Cobb, refusing to accept ; William F. Gee, to be judge of Wilcox county court, in place of Joseph A. Hall, resigned ; James Dawson, appointed commissioner for Coosa river in place of George Hill, resigned.

On motion of Mr Hudson , the Governor's message communicating resolutions adopted by the Legislature of other States, and various documents besides. was taken from the table, and on motion, referred to the committee on Federal Relations.

Mr Dent moved to adjourn till to-morrow morning ten o'clock; upon which the yeas and nays were called.

Yeas—Messrs Alston, Address, Buford, Dent, King, Lea, Oliver, Phillips and Womack—9.

Nays—Messrs President , Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd. McAllister, McVay, Reese, Rodgers, Smith, Terry, Turner and Wilson of J. —17.

The Senate refused to adjourn.

Mr Dent then moved to adjourn till half past nine o'clock to morrow morning ; which motion, Mr President decided out of order, from which decision of the Chair, Mr Alston took an appeal; the question being put, "shall the decision of the Chair be sustained?" The yeas and nays were called for.

Those who voted in the affirmative, are Messrs President , Clarke, Creagh, Dailey , Farrar, Hall, Hudson, Jones, Lloyd, McAllister, McVay, Reese, Rodgers, Smith, Terry, Turner and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Buford, Dent, King, Lea Oliver, Phillips and Womack.

The decision of the President was sustained.

Mr King offered the following resolution:

Resolved, That as no business is now before the Senate, and it being between one and two o'clock, the Senate adjourn until to-morrow morning ten o'clock.

Mr President decided the resolution out of order; from which decision Mr Phillips appealed, and upon the question of sustaining the decision of the Chair. the yeas and nays were demanded. Yeas 18—nays 9.

Yeas—Messrs President , Clarke, Creagh, Dailey, Farrar, Hall, Hudson, Jones, Lloyd. McAllister, McVay, Rice, Rodgers, Smith, Terry, Turner, Toulmin and Wilson of J.

Nays—Messrs Alston, Address, Buford, Dent, King, Lea, Oliver, Phillips and Womack.

Mr Womack moved to adjourn till to-morrow morning ten o'clock ; upon which the yeas and nays were demanded. Yeas 9—nays 19.

Yeas—Messrs Alston, Address, Buford, Dent, King, Lea, Oliver, Phillips and Womack.

Nays—Messrs President , Clarke , Creagh, Dailey, Farrar, Hall, Hudson, Jones, Lloyd , McAlister, McVay, Reese, Rice , Rodgers, Smith, Terry, Toulmin. Turner and Wilson of J.

The Senate refused to adjourn.

Mr Toulmin, from the select committee, to which was referred a bill to be entitled " an act to incorporate the Torrent Fire Engine company, number five. " of the city of Mobile, reported that they had amended the same, by striking out the word "first," in the fourth line of the fifth section, and in an additional section; in which the Senate concurred.

The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr Address moved to adjourn till to-morrow morning , ten o'clock; the yeas and nays were demanded.

Those who voted in the affirmative , are Messrs Alston, Address, Buford, Dent, King, Oliver and Womack—7.

Those who voted in the negative are, Messrs. President, Clarke , Creagh, Dailey, Farrar, Hall, Hudson, Jones, Lea, Lloyd, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner and Wilson of J.—19.

The Senate refused to adjourn.

On motion of Mr Terry,

Resolved by the Senate, That the committee upon propositions and grievances be instructed to inquire into the propriety of changing the time of convening the General Assembly of the State of Alabama, from the first Monday in November, to the first Monday in December, as heretofore.

Mr Reese moved to adjourn till to-morrow morning ten o'clock ; upon which the yeas and nays were demanded.

Those who voted in the affirmative , are Messrs President, Alston, Buford, Clarke, Dent, Hudson, Jones, Lloyd, McAllister, McVay, Oliver, Reese, Rice, Rodgers, Smith and Thornton—16.

Those who voted in the negative, are Messrs Address, Creagh, Dailey, Farrar, Hall, King Lea, Terry, Toulmin, Turner, Wilson of J. and Womack ----12 .

The Senate adjourned till to-morrow morning , ten o'clock.

FRIDAY MORNING, November 16, 1840.

The Senate met pursuant to adjournment.

The President announced the following gentlemen as members of the committee on Federal Relations : Messrs Hudson, McVay, Phillips, Reese, Rice, Terry, Womack , Jones, Alston and Turner.

Mr Hudson presented the account of Charles Lewin; the reading of which was dispensed with, and on motion, was referred to the committee on accounts and claims.

Mr Clarke presented the petition of James Moore, of Benton county; the reading of which was dispensed with, and referred to the committee on the judiciary.

Mr Smith presented the petition of Josiah Brock and others; the reading of which was dispensed with, and on motion, referred to the committee on roads, bridges and ferries.

Mr Thornton introduced a bill to be entitled an act further to regulate proceedings in chancery, in certain cases; which was read a first time, and ordered to a second reading on to-morrow.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act to enable Margaret Ivy to exercise the rights of a feme sole, was read the second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to be entitled an act to improve that portion of the Beckbee river, above its junction with the Warrior, not heretofore embraced in any act for the improvement of the Beckbee river , was read a second time, and on motion of Mr King, referred to the committee internal improvement and inland navigation.

Engrossed bill to incorporate the Torrent Fire Engine company, number five, of the city of Mobile, was read the third time and passed. Ordered, to be entitled as above; which completed the orders of the day.

On motion of Mr Phillips,

Resolved, That the judiciary committee be instructed to inquire into the

expediency of repealing so much of the act establishing separate courts of chancery as requires the chancellors to alternate.

Mr Clark introduced a bill to be entitled an act to authorize the election of an assessor and tax collector for the county of Benton; which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr Hudson, the Senate adjourned until fifteen minutes before twelve o'clock, noon.

The Senate met pursuant to adjournment.

The hour of twelve having arrived, the Senate, in pursuance of a resolution previously adopted resolved itself into a committee of the whole on the Governor's Message, Mr Hudson in the Chair, and after some time spent therein, the committee rose, and the Chairman reported the following resolutions; which were adopted:

Resolved, That so much of the Governor's message as relates to the currency, be referred to the committee on the State Bank.

Resolved, That so much of the Governor's message as relates to the State Bank, branches, and banks generally, be referred to the committee on the State Bank.

Resolved, That so much of the Governor's message as relates to the increase of the salaries of certain officers, be referred to the committee on retrenchment.

Resolved, That so much of the Governor's message as relates to the Criminal Code, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's message as relates to the penitentiary, be referred to the committee on the penitentiary.

Resolved, That so much of the Governor's message as relates to the chancery system, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's message as relates to military affairs, be referred to the committee on military affairs.

Resolved, That so much of the Governor's message as relates to Indian expenditures, be referred to the committee on Indian expenditures.

Resolved, That so much of the Governor's message as relates to internal improvement, be referred to the committee on internal improvement and inland navigation.

Resolved, That so much of the Governor's message as relates to education, be referred to the committee on education.

Resolved, That so much of the Governor's message as relates to slavery, be referred to the committee on federal relations.

Resolved, That so much of the Governor's message as relates to the General Ticket system, be referred to a select committee.

Resolved, That so much of the Governor's message as relates to the University, be referred to the committee on education.

On motion of Mr Hudson, it was ordered that the Chair appoint a member from each judicial circuit in this State, as members of the select committee, on the resolution in relation to the General Ticket System. Messrs Terry, Hall, Andress, Dent, Lloyd, McAllister, King, Dailey, Clarke and Toulmin, were appointed said committee.

Message from the House of Representatives, by Mr Garrett:

Mr President—The House of Representatives has passed a bill, to change the time of holding the county court of Marengo county, which originated in the Senate.

Mr Turner moved to adjourn until three o'clock , this evening

Mr King moved to adjourn till to-morrow morning 10 o'clock , and the yeas and nays were demanded . Yeas 3—Nays 18.

Yeas—Messrs Andress, Buford and King.

Nays—Messrs President , Clarke, Creagh, Dailey, Hudson, Jones, Lea; Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner and Womack.

The Senate refused to adjourn.

The question then recurred on the motion of Mr Turner, to adjourn till three o'clock; which was carried. The yeas and nays were called for.

Yeas—Messrs President , Clarke, Creagh, Hudson, Jones, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin and Turner.

Nays—Messrs Alston, Andress, Buford, Dailey, King, Lea, McVay, Rice and Womack.

EVENING SESSION, 3 o'clock , P. M.

Mr Hudson offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so altering and amending the laws regulating the change of venue in criminal cases, so as not to permit the accused to remove their trial to counties remote from the one in which the crime was committed, or to counties where the court has just been held, and with such other restrictions as may be necessary to insure a fair, impartial and speedy trial, with leave to report by bill or otherwise; which was adopted.

Mr Jones offered the following resolution:

Resolved, That a select committee be appointed to examine the criminal code of the State of Alabama, on the subject of a change of venue, and to report a bill for the repeal of venue law, or so to modify and amend the law, as that the criminal upon filing an affidavit, shall be required to prove the facts set forth in the affidavit, by respectable witnesses , to the satisfaction of the judge of the court then presiding ; which was adopted , and Messrs Jones, Phillips and Lea, were appointed said committee.

Mr Buford introduced a bill to be entitled an act to amend the attachment laws which was read the first time, and on motion of Mr Rice, the constitutional rule requiring bills to be read on three several days was dispensed with; the bill was read the second time forthwith , and referred to the committee on the judiciary.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled,

A bill to be entitled an act to change the time of holding the county court of Marengo county.

Mr Lea offered the following resolution:

Resolved , That with the concurrence of the House of Representatives, the two Houses will adjourn on Saturday, the nineteenth day of December next, sine die.

Mr Wilson of J. moved to lay the resolution of the table.

The yeas and nays being demanded, those who voted in the affirmative, are Messrs President, Alston, Clarke, Dailey, Jones, Rice, Rodgers, Terry and Wilson of J.

Those who voted in the negative, are Messrs Andress, Buford, Creagh, Dent, Farrar, Hudson, King, Lea, Lloyd, McConnell, McVay, Phillips, Reese, Thornton, Toulmin, Turner and Womack.

The Senate refused to lay the resolution on the table.

The question then recurred on the adoption of the resolution , upon which the yeas and nays were called.

Those who voted in the affirmative are Messrs Alston, Address, Buford, Creagh, Dent, Farrar, Hudson, King, Lea, McVay, Oliver, Phillips, Thornton and Womack –14.

Those who voted in the negative, are Messrs President , Clarke, Dailey, Hall, Jones, Lloyd, McAllister, McConnell, Rice, Rodgers, Smith , Terry, Turner and Wilson of J. —14.

The resolution was lost.

On motion of Mr Lea, the Senate adjourned till to-morrow morning 10 o'clock.

SATURDAY MORNING, 10 o'clock, November 6.

The Senate met pursuant to adjournment.

Mr Phillips presented the petition of Samuel Howell, the reading of which was dispensed with, and referred to the committee on propositions and grievances.

Mr Smith presented the account of Jacob Hoss, jailor of Cherokee county, which was referred, without reading, to the committee on accounts and claims.

Mr Wilson of J. presented the report of the commissioners of the Paint Rock river, as follows:

To the General Assembly of the State of Alabama:

We, the undersigned, commissioners appointed for the purpose of improving the navigation of Paint Rock river, do hereby, in connection with our report to your honorable body the last session, proceed to give our operations, since said report, up to the present time.

The work on said river, in sections from number one to eight inclusive, was reported to our body, by the engineer, to be completed and received ; consequently, checks were issued by the President of our body, to the respective contractors , for the sum of two thousand seven hundred and twelve dollars, to be paid during the year 1839, out of an appropriation made for that purpose, the object of which was to remove impediments to navigation in the said Paint Rock river. Checks were also issued to commissioners, engineers, and other persons, for services rendered during the year 1839 , for the sum of three hundred and eighty-three dollars, made payable during said year.

We further report, that sections from number eight to fifteen inclusive , were also reported to our body, by the engineer, to be completed and received , according to contract. Checks were therefore issued to the respective contractors, for the sum of three thousand one hundred and ninety-six dollars, to be paid during the year 1840.

The expenses for the current year will not probably exceed three hundred dollars, though as yet contingent.

We have also the pleasure to report, that the balance of said improvement from section fifteen including section twenty, is now progressing, and in all probability, will be completed by the first of December next, making a completion of said contemplated improvement, except some extra work on some of the sections.

We are also of opinion that the plan of improvement adopted by us will fully answer our most sanguine expectations , and when fully completed will afford an easy and safe navigation downwards for flat and keel boats, and keels

ascending when there is sufficient water for the same. The whole distance of the improvement on said Paint Rock river being about sixty miles.

Given under our hands.

ALFRED MOORE,
W. P. ROBERTSON,
Commissioners.

Which was read and laid on the table.

The Senate then took up the orders of the day.

A bill to be entitled an act further to regulate proceedings in chancery, was read the second time, and on motion of Mr Dent, referred to the committee on the judiciary.

A bill to be entitled an act to authorize the election of an assessor and tax collector for the county of Benton, was read the second time and referred to a select committee, consisting of Messrs Clarke, King and McVay.

Mr Andress introduced a bill to change the names of John Chesley and Catharine Rodgers, and make them lawful heirs of John G. Tart, on Monroe county; which was read the first time and ordered to a second reading.

Message from the House of Representatives, by Mr Phelan:

MR PRESIDENT— The House of Representatives has concurred in the resolution of the Senate, proposing to appoint a committee to examine the offices of the Comptroller and Treasurer, and see whether they they have discharged their duty strictly according to law, and has appointed on th part of the House, Messrs McAlpin, McMillion of J. and Smith of L.

Mr Buford introduced a bill to be entitled an act to appoint special coroners in certain cases; which was read a first time and ordered to a second reading.

Mr Lea introduced a bill to be entitled an act to guard against frauds and impositions in sales by sheriffs; which was read a first time, and on motion of Mr Lea, the constitutional rule requiring bills to be read on three several days, was dispensed with; the bill read a second time forthwith and referred to the committee on the judiciary.

Mr Turner presented the account of George Cox and John H. Lewis; which was referred to the committee on accounts and claims.

Mr Terry offered the following resolution:

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of winding up the Bank of the State and its several Branches, with a due regard to the interest of the State, and the debtors to the several institutions, with leave to report by bill or otherwise.

Mr Hudson moved to lay the resolution on the table; and the yeas and nays were demanded.

YEAS—Messrs Andress, Buford, Hudson, King, Phillips and Rodgers.

NAYS— Messrs President, Alston, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, Lea, Lloyd, McConnell, McAllister, McVay, Oliver, Reese, Rice, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

The motion was lost.

Mr Oliver moved to amend the resolution, by inserting the words 'or changing the present system,' to come in after the word 'institutions;' which amendment, Mr Terry moved to postpone indefinitely.

The yeas and nays were desired, those who voted in the affirmative, are Messrs Andress, Clarke, Creagh, Farrar, Hudson, Hall, Lea, Lloyd, McAllister, McVay, Phillips, Rice, Rodgers, Smith, Terry and Wilson of J.

Those who voted in the negative, are Messrs President, Alston, Buford,

Dailey, Dent, Jones, King, McConnell, Oliver, Thornton, Toulmin, Turner and Womack.

The amendment was postponed indefinitely.

Mr Lea moved to postpone the resolution indefinitely; upon which the yeas and nays were demanded. Yeas 8–Nays 22.

YEAS– Messrs Andress, Buford, Hudson, King, Lea, Phillips, Rodgers and Thornton.

NAYS– Messrs President, Alston, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Oliver, Reese, Rice, Smith, Terry, Toulmin, Turner, Wilson of J. and Womack.

The Senate refused to postpone indefinitely.

The question was then taken upon the adoption of the resolution, which was carried.

Mr President laid before the Senate, the report of the President of the Bank of the State of Alabama, together with sundry documents. The report was read, and on motion of Mr Jones, was, with accompanying papers, referred to the committee on the State Bank.

Mr Phillips moved that the Senate adjourn until Monday morning ten o'clock.

Mr Alston moved to adjourn till Tuesday morning ten o'clock.

The yeas and nays were called for, and on motion was lost. Yeas 6--Nays 24.

YEAS– Messrs Alston, Andress, Buford, Dent, King and Phillips.

NAYS–Messrs President, Clarke, Creagh, Dailey, Farrar, Hall, Hudson, Jones, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

The question then recurred on the motion of Mr Phillips, to adjourn till Monday morning ten o'clock ; which was carried.

MONDAY, Nov. 9, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate, the account of Messrs Hale & Eaton, State Printers; which was read, and on motion of Mr Rice, referred to the committee on State Printing.

Mr President laid before the Senate, sealed documents in relation to the contested election from the county of Sumter, which , on motion of Mr Hudson, was referred to the committee on privileges and elections.

Mr McConnell presented the account of Williams Miller, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr McAllister presented the account of Albert Parish and Young Mann, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr McVay from the committee on propositions and grievances, to which was referred a resolution proposing to change the time of convening the General Assembly of the State from the first Monday of November on each year, to the first Monday in December, reported that it is inexpedient to make the change.

On motion of Mr Lea, the report and resolutions were ordered to lay on the table.

Mr Hudson from the committee on accounts and claims, to which was referred the claim of Jefferson Buford, for carrying an express with depatches,

to General William Wellborn, during the Creek war, reported the same back to the Senate, as having been improperly referred, and asked its reference to the committee on Indian expenditures, in which the Senate concurred.

Mr Phillips offered the following resolution:

Resolved, That the committee on the penitentiary be instructed to inquire into the expediency of abolishing or suspending operations of the penitentiary.

Mr McConnell moved to postpone the resolution indefinitely; and the yeas and nays were desired. Yeas 14–Nays 15.

Those who voted in the affirmative are Messrs President, Clarke, Dailey, Hudson, Jones, Lloyd, McConnell, McVay, Rice, Rodgers, Smith, Terry, Turner and Wilson of J.

Those who voted in the negative are Messrs Alston, Andress, Buford, Creagh, Farrar, Hall, King, Lea, McAllister, Oliver, Phillips, Reese, Toulmin, Wilson of F. and Womack.

The motion was lost.

The question was then taken upon the adoption of the resolution; which was lost.

On motion of Mr McVay,

Resolved, That with the concurrence of the House of Representatives, the two Houses will convene in the Hall of the House of Representatives on Thursday week, the 19th day on this instant, at twelve o'clock noon, for the purpose of electing a Senator to the Congress of the United States, to supply the place of the Honorable Williams R. King, which term expires on the 4th of March next.

Mr King introduced a bill to be entitled an act amendatory of an act entitled an act for the better regulating of the State printing, and altering the mode of paying for the same, so as that it may be let out of the lowest bidder; which was read a first time and ordered to a second reading.

Mr Lea offered the following resolution:

Resolved, That it is expedient, and the Senate will elect an assistant engrossing clerk, on account of the great quantity of business to be done by the Secretary.

Which, on motion of Mr McVay, was laid upon the table.

On motion of Mr Buford,

Resolved, That wood, instead, of coal, be hereafter used as fuel in the Senate Chamber, saving the right of the Doorkeeper, for the remainder of this session, to charge for the additional trouble (if any) imposed by the resolution.

Message from the House of Representatives, by Mr Phelan:

Mr President– The House of Representatives has adopted a joint resolution in relation to the Branch of the Bank of the State of Alabama, at Decatur, in which the concurrence of the Senate, is respectfully requested.

The resolution was read a first time, and on motion of Mr Rice, the constitutional rule requiring bills and joint resolutions to be read on three several days, was dispensed with, and the resolution was read a second time, and on motion of the same, the constitutional rule was further dispensed with, and the resolution was read a third time and passed the Senate.

On motion of Mr Andress,

Resolved, That the committee on privileges and elections, be instructed to abolish the election precinct at Jesse Bradley's and the one at John Salter, as now established by law, in the county of Monroe.

Mr Jones from the select committee, to which was referred the petition of

the citizens of township nineteen, range two, west, in the county of Sumter, reported a bill, to be entitled an act authorizing the erection of two township school houses, in the town of Livingston, in Sumter county; which was read a first time, and ordered to a second reading.

The Senate then took up the orders of the day.

A bill, to entitled an act to change the names of John Chesley and Catherine Rodgers, and to make them the lawful heirs of John G. Tart, of Monroe county, was read a second time, and on motion of Mr Rice, referred to the committee on propositions and grievances.

A bill to be entitled an act, to appoint special coroners in certain cases, was read a second time, and on motion of Mr Buford, referred to the committee on the judiciary.

The orders of the day were finished.

On motion of Mr Hall, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, 10th November, 1840.

The Senate met pursuant to adjournment.

On motion of Mr Rice, leave of absence was granted, to Mr McConnell, for an indefinite length of time.

Mr Terry from the committee on the State Bank, to which was referred the report of the cashier of the Bank of the State of Alabama, reported that it is expedient to publish the indebtedness of the President and Directors and other officers; also, the members of the General Assembly, together with the amount paid out in aid of the valueless sixteenth sections, in all of which they ask the concurrence of the Senate; the Senate concurred.

Mr Terry, from the same committee, to which was referred the report of the Cashier of the Branch of the Bank of the State of Alabama, at Mobile, reported that it is expedient for the Senate, to publish the indebtedness of the President, Directors, and other officers of said Branch Bank; also, the indebtedness of the members of the General Assembly, together with the amount paid in aid of the valueless sixteenth sections, in all of which, they respectfully ask the concurrence of the Senate: the Senate concurred in the report of the committee.

Mr Hudson, moved to print thirty-three copies of each of the documents, recommended to be published by the State Bank committee.

Mr Jones, moved the printing of one hundred and fifty copies.

Mr Creagh, moved the printing of one thousand copies, which was put and lost.

The question then recurred upon printing one hundred and fifty copies; which was put and lost.

The question then recurred upon printing three-three copies; which was carried.

On motion of Mr Rice,

Resolved, That the committee on privileges and elections, be instructed to inquire into the expediency of establishing an election precinct at the house of Thomas Lacy, in the county of Morgan.

On motion of Mr Terry,

Resolved by the Senate, That the Secretary be instructed to examine the papers on file in his office, and procure all the accounts growing out of Indian Wars, and lay the same before the committee on Indian expenditures, whose duty it shall be to lay the same before His Excellency, the Governor, for the

purpose of enabling him to comply with the requisitions of the War Department.

Mr Phillips, introduced a bill to be entitled an act, to change the times of holding the circuit courts of the second judicial circuit; which was read a first time, and ordered to a second reading.

On motion of Mr Hall,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of authorizing the President and Directors of the State Bank, and its several Branches, to remit the damages on all bills of exchange, at the payment of said bills.

Mr Buford, offered the following resolutions:

1. Resolved, That the committee on the State Bank be instructed to inquire into the expediency of disposing of three-fifths of the State Banking Capital to private stockholders, and permitting them to appoint three fifths of the Directors, saving the ultimate liability of the State to redeem all bills issued, or to be issued by the State Bank, or any of its Branches, with leave to report by bill or otherwise.

2. Resolved, That the same committee be instructed to inquire into the propriety of requiring the State Bank and its several branches, to report to the Legislature, all notes and bills of doubtful solvency, discounted since the twenty-seventh of July, one thousand eight hundred and thirty-seven, with the names of those recommending the several papers, and copies of all written recommendations; and also, shewing on whose check, the several sums were drawn out of Bank; as also, what proceedings have been taken, or are had in contemplation, to fix liability on any party giving such recommendations.

Mr Rice called for a division of the question. The question was taken on the adoption of the first resolution, which was lost. The question was then put, as to the adoption of the second resolution, which was also lost.

On motion of Mr Jones,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so altering the attachment law of this State, as to require that the same proof shall be made to take a judicial attachment, that is now required to take out an original attachment; and to report by bill or otherwise.

Mr Terry moved to re-consider the vote adopting the resolution, proposing that the two Houses assemble in the Hall of the House of Representatives, on Thursday the nineteenth day of this instant, to go into the election of a Senator to the Congress of the United States, to supply the place of the Hon. William R. King, whose term of service expires on the fourth of March next. Upon the question of re-considering the vote, the yeas and nays were demanded, Yeas 21—NAYS 9.

YEAS— Messrs President, Buford, Creagh, Clarke, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

NAYS— Messrs Alston, Andress, Dent, King, Lea, Oliver, Phillips, Thornton and Womack.

On motion of Mr Lea, the resolution was ordered to lay upon the table.

Message from the House of Representatives by Mr Garrett.

Mr President—The House of Representatives has elected Messrs McClanahan, Morris and Walker of Benton, a joint examining committee on the part of the House, in examining the Bank of the State of Alabama.

On motion of Mr Hudson, the Senate proceeded to elect a committee of

three, to act with the committee on the part of the House of Representatives, to examine the Bank of the State of Alabama: whereupon, Messrs Hall and Turner, were elected two of said committee, on the first balloting: on the second voting, neither received a majority of all the number of voted given: on the third time voting, Mr Reese received sixteen votes, being a majority of all the votes given, was also declared to be elected a member of said committee.

Mr Jones offered the following resolution:

Resolved, That the State Bank committee be instructed to inquire into the expediency of requiring the President and Directors of the State Bank and branches, to receive no recommendation of paper offered to the Banks for discount, unless the recommendation be accompanied with a written statement of the property owned by the parties, the supposed value of the property, and their indebtedness, so far as known to the individual personally, or from authentic information, and to report by bill or otherwise; which was lost.

Mr Terry, from the committee on the State Bank, to which was referred the communication of the President of the State Bank, accompanied by the report of the committee appointed by the President and Directors of said Bank, in relation to a mysterious abstractions of a leaf from the check book, reported that they had had the same under consideration, and inasmuch as the whole affair appears to be shrouded in mystery, and the act involving great moral turpitude, the committee report and recommend the adoption of the following resolution:

Resolved, by the Senate, That a committee be appointed to act jointly with such committee as may be appointed by the House of Representatives, to investigation said transaction in as speedy a manner as possible, and report the result of their investigation to their respective Houses, and that the committee have leave to send for persons and papers, and qualify witnesses.

In which report the Senate concurred. Messrs Terry, Buford, and Toulmin, were appointed said committee on the part of the Senate.

On motion of Mr Lea, the Senate adjourned till to-morrow morning, ten o'clock.

WEDNESDAY MORNING, Nov. 11, 1840.

The Senate met pursuant to adjournment.

Mr Hudson presented the account of Robert T. Clyde, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Wilson of F. presented the account of N. Alley, jailor of Fayette county, the reading of which was dispensed with, and referred to the committee on accounts and claims.

Mr Lea, from the committee on the judiciary, to which was referred a bill in relation to county court judges, with the proposes amendments thereto, reported the same to the Senate, with the following amendments, and recommended its passage: Sec. 2. And be it further enacted, That if any judge of the county court shall absent himself from the county of his residence, for and during forty days in succession, without reasonable excuse, his office shall thereby become vacated: Provided, this act does not apply to the county of Franklin.'

Mr McVay moved to amend the amendment by adding after the word 'Franklin,' Lauderdale, Limestone, Morgan, Barbour, Henry, Covington, Dale, Blount, Russell, Madison, Jackson, Pickens, Marshall, Montgomery, and Randolph.

On motion of Mr Lea. the report and bill was ordered to lay upon the table.

Mr Rice from the judiciary committee, to which was referred a resolution

instructing them to inquire into the expediency of altering the time of holding the circuit courts of Morgan county, and extending the term thereof, reported a bill to be entitled an act alter the time of holding the circuit court of Morgan county, and extending the term thereof, and for other purposes; which was read a first time, and on motion of Mr Rice, ordered lay upon the table.

Mr Thornton, from the judiciary committee, to which was referred the resolution instructing them to inquire into the expediency of so altering the law regulating damages on foreign bills of exchange, so as to conform to the law of the adjoining States, reported that it was inexpedient to change the law in that manner. On such bills the damage are now fifteen per cent, in case of protest for non acceptance; and ten per cent. in case of protest for non payment. In the State of Tennessee, on protest for non acceptance, or non payment, foreign bills carry ten per cent. interest, and fifteen per cent. damages. In Mississippi, on protest of bills payable out of the State, but within the United States, the damages are then per cent ; and if payable without the United States, fifteen per cent. As to the rate of damages of the State of Georgia, I have not been able to ascertain it. From the statement above, it is apparent, that it is impracticable to make the change, as suggested in the resolution; and prompt payment being very desirable in such instruments, the present rate fixed by our law, is deemed reasonable.

The report being read, was, on motion of Mr Hudson, ordered to lay on the table.

Mr Thornton, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of authorizing the sale of personal property, levied on by attachment, and not replevied with a reasonable time, reported that the present law provides sufficiently for the case, and it is not expedient yo alter the same.

On motion of Mr Jones, the report was ordered to lay upon the table.

Mr Thornton, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of amending the law of dower, reported a bill to be entitled an act to alter and amend the law, respecting dower; which was read the first time, and ordered to a second reading.

Mr Thornton, from the same committee, to which was referred the resolution instructing them to inquire into the expediency of amending the law respecting the filling vacancies in the office of clerk of the circuit court, reported a bill to be entitled an act prescribing the mode of filling vacancies in the office of clerk of the circuit courts; which was read a first time, and ordered to a second reading.

Mr McVay, from the committee on propositions and grievances, to which was referred a bill to be entitled an act to change the names of certain persons therein named and legitimate the same, reported the bill back to the Senate, and recommended its passage. The bill was placed among the orders of the day.

Mr Clarke, from the select committee, to which was referred a bill to be entitled an act authorize the election of an assessor and tax collector for the county of Benton, reported the same back to the Senate, without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Hall introduced a bill to be entitled an act to repeal in part an act incorporating the city of Wetumpka ; which was read a first time and ordered to a second reading.

On motion of Mr Terry,

Resolved, That the committee on privileges and elections be instructed to inquire into the expediency of abolishing the election precinct heretofore established at High & Travis; store, in Limestone county.

Mr Cottrell introduced a bill to be entitled an act concerning sales by sheriffs and other officers, which was read a first time, and ordered to a second reading.

On motion of Mr Toulmin,

Resolved, That the committee on education, be instructed to inquire into the expediency of electing an additional trustee, for the first and tenth judicial circuits.

On motion of Mr Alston,

Resolved, That the judiciary committee be instructed to inquire into the expediency of abolishing the tenth judicial circuit.

On motion of Mr Smith,

Resolved, That the judiciary committee be instructed to inquire into the expediency of a law granting a stay for a limited time, on executions from courts of record, with leave to report by bill or otherwise.

The Senate then took up the orders of the day.

The bill to be entitled an act amendatory of an act entitled an act for the better regulating of the State Printing, and altering the mode of paying for the same so as that if may be let out to the lowest bidder, was read the second time.

On motion of Mr King it was referred to the committee on retrenchment.

The bill to be entitled an act to authorize the erection of two township school houses in the town of Livingston in Sumter county, was read a second time.

On motion of Mr Wilson of F. it was referred to the committee on the judiciary.

A bill to be entitled an act to change the time of holding the circuit courts for the second judicial circuit, was read a second time.

On motion of Mr Phillips, it was referred to a select committee composed of the Senators of the second judicial circuit.

A bill to be entitled an act to change the names of John Chesley and Catharine Rodgers and make them the lawful heirs of John G. Tart of Monroe county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize the election of an assessor and tax collector for the county of Benton, was read a second time and ordered to be engrossed for a third reading; which finished the orders of the day.

Mr Dailey introduced a bill to be entitled an act for the better securing the payment of notes to be discounted, and to prevent the discounting of insolvent paper by the Bank and Branches of the State of Alabama, which was read a first time and ordered to a second reading.

Mr Smith introduced a joint memorial of the General Assembly of the State of Alabama to the Congress of the United States, in relation to a Land District in the Cherokee nation, which was read the first time, and ordered to a second reading.

Mr Buford introduced a bill to be entitled an act to prevent disaffection among slaves, which was read a first time and ordered to a second reading.

On motion of Mr Hudson, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, 12th November, 1840.

The Senate met pursuant to adjournment.

Mr Hudson presented the account of A. R. Thomas; which was on motion, referred to the committee on accounts and claims.

Mr Phillips presented the petition of Alexander Porter and others, the reading of which was dispensed with, and on motion was referred to the committee on privileges and elections.

Mr Thornton from the committee on the judiciary to whom was referred the petition of James Moores, praying for the passage of a law authorizing him to sell certain property therein named, reported that the law as it now stands affords ample remedy in his case, and that the prayer of the petitioner ought not to be granted— in which the Senate concurred.

Mr Thornton from the same committee to which was referred a bill to be entitled an act to enable Margaret Ivy to exercise the rights of a feme sole, reported the same back to the Senate.

On motion of Mr Rice it was ordered to lay on the table.

Mr Thornton, from the same committee, to which was referred a resolution instructing them to enquire into the expediency of so altering the attachment law of this State, as to require that the same proof shall be made to take out a judicial attachment, that is now required to take out an original attachment, reported a bill to be entitled an act to amend the law concerning judicial attachments; which was read a first time and ordered to a second reading.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act further to regulate proceedings in chancery in certain cases, reported the same back to the Senate with the following amendment: Sec. 2. And be it further enacted, That no subpoena or copy of any answer thus made to operate as a cross bill shall be issued by the Register, except where a new party is introduced as a defendant by the prayer, and then only to such new party. That fourth section be amended by inserting after the word 'Chancellor,' the words 'Register or Master,' and that the bill be further amended by adding two additional sections; which the Senate concurred.

The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr Thornton from the same committee, to which was referred the resolution instructing them to enquire into the expediency of so amending the law regulating the drawing of jurors as to prevent any juror from serving more than twice in succession, reported that it is inexpedient to alter the present law on the subject, in which the Senate concurred.

On motion of Mr Phillips,

Resolved, That the committee on internal improvement and inland navigation be instructed to enquire into the expediency of making an appropriation from the profits of the three percent fund for the improvement of the navigation of the Alabama river.

Mr Wilson of J. introduced a bill to be entitled an act to authorize justices of the peace to appoint overseers of the public roads incertain cases therein named; which was read the first time and ordered to a second reading on tomorrow.

Mr Creagh introduced a bill to be entitled an act allowing compensation to certain persons; which was read a first time and ordered to a second reading.

On motion of Mr Dent, Mr Phillips was added to the committee on privileges and elections.

On motion of Mr Toulmin, the Secretary was instructed to transmit to the House of Representatives the report of the Cashier of the Branch Bank at Mobile, shewing the liability of individuals to that institution.

Mr Rice offered the following resolution:

Resolved, That the committee on roads, bridges, and ferries be instructed to inquire into the propriety of repealing so much of the road laws as requires the judges of the county courts and commissioners of roads and revenue to appoint supervisors.

Which was adopted.

Mr Terry from the committee on the State Bank, to which was referred so much of the Governor's message as relates to the currency, reported that it is inexpedient to legislate upon the subject at this time; in which the Senate concurred.

Mr King offered the following resolution:

Resolved, That the committee on privileges and elections, be instructed to inquire into the expediency of abolishing the election precinct at the present residence of John O. Cummins, and the election precinct known as Teer's precinct.

Which was adopted.

On motion of Mr Lea, the resolution proposing to elect an additional assistant and engrossing secretary, was taken from the table.

Mr Rice moved its reference to the committee on retrenchment, which was lost.

Mr Lea asked and obtained leave to withdraw the resolution.

On motion of Mr Reese,

Resolved, That the Secretary of the Senate be authorized to employ an additional assistant clerk, when the business of the Senate requires it, to be discontinued at his discretion, and that be considered an officer of this house.

On motion of Mr Smith,

Resolved, That the judiciary committee be instructed to inquire into the expediency of a law, giving to the commissioner's court of the several counties of this State, discretionary power, so far as the levying of county taxes are concerned, with leave to report by bill or otherwise.

The Senate took up the orders of the day.

A bill to be entitled an act to alter and amend the law respecting dower, was read a second time.

Mr Buford moved to strike out the word "month" where it occurs in the second section, upon which motion the yeas and nays were desired. Yeas 16, Nays 13.

YEAS— Messrs President, Alston, Address, Buford, Clarke, Dailey, Dent, Hall, Lea, McAllister, Oliver, Phillips, Terry, Thornton, Wilson of F. and Womack.

NAYS— Messrs Creagh, Farrar, Hudson, King, Lloyd, McVay, Reese, Rodgers, Smith, Toulmin, Turner and Wilson of J.

Mr McVay moved to lay the bill on the table, which was lost.

On motion of Mr Buford, the vote striking out the word "months" was reconsidered.

On motion of Mr Buford, the words "three months" were stricken out.

On motion of Mr Hudson, the farther consideration of the bill was postponed until the 20th inst.

Message from the House of Representatives, by Mr Garrett:

Mr President—The House of Representatives has concurred in the resolution of the Senate, appointing a joint select committee of each house to investigate the transaction in relation to the mysterious abstraction of a leaf from the check book of the Cashier of the Bank of the State of Alabama, as shewn by the report of a committee appointed by the President and Directors, and which accompanies the annual report of the President of said bank, and has appointed as a committee on the part of the House, Messrs Moore of Madison, Mitchell, and Williams.

The House of Representatives has adopted the following resolution:

Resolved, the Senate concurring, that the two houses of the General Assembly, will assemble in the hall of the House of Representatives on Tuesday next 17th inst. at the hour of twelve o'clock noon, for the purpose of electing a Senator in the Congress of the United States to fill the vacancy occasioned by the expiration of the constitutional term of the Hon William R. King, on the 4th of March next.

The House has passed bills of the following titles:

An act to repeal in part an act entitled an act to regulate the proceedings of the courts, and the compensation of witnesses in the counties of Lowndes, Talladega, Butler and others, approved Jan. 9th, 1840.

An act to appropriate the surplus funds in the county treasury of St. Clair county.

An act to locate the seat of justices of Marion county, and for other purposes.

In which the concurrence of the Senate is respectfully requested.

On concurring in the resolution of the House of Representatives, proposing that the two houses assemble in the Representative Hall on Tuesday, the 17th inst. to elect a Senator to the Congress of the United States, Mr Dent called for the yeas and nays. Yeas 26—Nays 3.

Those who voted for concurring in the resolution are, Messrs President, Alston, Andress, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, King, Lloyd, McAllister, McVay, Phillips, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Those who voted against concurring are, Messrs Buford, Lea and Oliver.

The resolution was concurred in.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part an act entitled an act to regulate the proceedings of the courts and the compensation of witnesses in the counties of Lowndes, Talladega, Butler and others, approved January 9th, 1840, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives to appropriate the surplus funds of the county in the county treasury of St. Clair county, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives to locate the seat of justice of Marion county and for other purposes, was read a first time and ordered to a second reading.

Message from the Governor by J. D. Bagby, his private secretary:

EXECUTIVE DEPARTMENT,
Tuscaloosa, Nov. 13, 1840.

Sir— I have the honor to inform the Senate that a vacancy has occurred in

the board of trustees of the University of Alabama, by the resignation of William Richardson, Esq. of the fourth judicial circuit.

(Signed) A. P. BAGBY.

Hon. J. L. F. COTTRELL, President of the Senate.

The message having been read, was, on motion of Mr Hudson, laid on the table.

The Senate resumed the orders of the day.

A bill to be entitled an act prescribing the mode of filling vacancies in the office of clerk of the circuit courts, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to repeal in part an act incorporating the city of Wetumpka, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act concerning sales by sheriff and other officers, was read a second time, and on motion of Mr Phillips, referred to the committee on the judiciary.

Engrossed bill to be entitled an act to change the name of John Chesley and Catharine Rodgers, and to make them the lawful heirs of John G. Tart, of Monroe county, was read the third time and passed the Senate.

Engrossed bill to be entitled an act to authorize the election of an assessor and tax collector for the county of Benton, was read the third time and passed. Ordered that the title be as above.

A bill to be entitled an act for the better securing the payment of notes to be discounted, and to prevent the discounting of insolvent paper, by the Bank and Branches of the State of Alabama, was read a second time, and on motion of Mr Houston, referred to the committee on the State Bank.

Joint memorial of the General Assembly of the State of Alabama to the Congress of the United States, in relation to Land District in the Cherokee Nation, was read a second time, and on motion of Mr Rice, it was read a third time and passed the Senate.

A bill to be entitled an act to prevent disaffection among slaves, was read a second time, and on motion, of Mr Buford, referred to the committee on Federal relations.

Mr King offered the following resolution:

Resolved, That the Senate go into committee of the whole on the criminal code, at the hour of Twelve every day, until the said code is disposed of, which on motion of Mr Alston, was laid on the table.

Mr Thornton, from the judiciary committee, to which was referred the resolution instructing them to inquire into the expediency of establishing a chancery court of each county; also, the resolution that refers to so much of the Governor's message, as relates to the court of chancery, and the resolution instructing them to inquire into the expediency of repealing so much of the act establishing separate chancery courts, as requires the chancellors to alternate, reported the same to the Senate, with a request that a joint committee of both Houses may be created, to which shall be referred all matters relating to it; the said committee to consist of five members on the part of the Senate, and ten on the part of the House of Representatives—accordingly, the committee submitted the following resolution:

Resolved by the Senate of the State of Alabama, That with the concurrence of the House of Representatives, there be created a joint committee to consist of five members on the part of the Senate, and ten on the part of the

House of Representatives, to which shall be referred all matters relating to the chancery laws of the State.

The report was concurred in, and the resolution adopted. Messrs Thornton, Rice, Phillips, Wilson of F. and Lea were appointed said committee.

Mr Rice gave notice, that on Friday, the thirteenth instant, he would moved to amend the later clause of the thirteenth rule of the Senate, by inserting the following, in lieu of said clause, as it now stands, to wit: 'but no Senator shall vote on nay question, unless he be within the bar of the Senate before the se-cision is announced from the chair; which was laid over until to-morrow.

Mr Dailey presented the account of Buford & Johnson, assignees, the read-ing of which was dispensed with; and on motion, referred to the committee on Indian expenditures.

On motion of Mr King,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the laws now in force, as that where property has been run out of the State to avoid the payment of debt, the holder or owners, shall be liable to be held to bail and imprisoned, until the property is brought back, or good security given, that it will be done so.

On motion of Mr Dent, the Senate adjourned until to-morrow morning ten o'clock.

FRIDAY, November 13, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate the report of the Commissioners ap-pointed by the Governor, to examine the Branch of the Bank of the State of Alabama, at Huntsville; the reading of which was dispensed with, and on mo-tion of Mr Terry, was ordered to lay on the table, and thirty-three copies thereof ordered to be printed.

Mr President laid before the Senate a Communication from the President of the Branch of the Bank of the State of Alabama, at Montgomery, transmitting a statement of the condition of that Bank, and an abstract of the settlement of the books; the reading of which was dispensed with, and on motion of Mr Hudson, referred to the committee on the State Bank.

Mr Dailey presented the account of James Murray; the reading of which was dispensed with, and on motion, referred to the committee on accounts and clailms.

Mr McVay, from the committee on propositions and grievances, to which was referred the petition of Samuel Howell, of Dallas county, reported a bill to be entitled an act for the relief of Samuel Howell; which was read a first time and ordered to a second reading.

Mr Lloyd introduced a bill to be entitled an act authorizing the sheriff of Blount county, to serve process issued by justice of the peace; which was read a first time and ordered to a second reading.

The Senate proceeded to take up the orders of the day.

Engrossed bill to be entitled an act further to regulate the proceedings in chan-cery, in certain cases, was read a third time and passed the Senate. Ordered, to be entitled as above.

A bill to be entitled an act to amend the law concerning judicial attachments; read a second time, and on motion of Mr Rice, the words 'a reasonable time,' where they occur, were stricken out, and the words 'thirty days' inserted in place thereof, the bill was then ordered to be engrossed for a third reading:

A bill to be entitled an act to authorize justices of the peace to appoint over-

seers of the public roads, in certain cases therein named, was read a second time, and on motion of Mr Wilson of J. referred to the committee on roads, bridges and ferries.

A bill to be entitled an act allowing compensation to certain persons, was read the second time, and on motion of Mr Creagh, referred to the committee on Indian expenditures.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part, an act entitled an act to regulate the proceedings of the courts, and the compensation of witnesses in the counties of Lowndes, Talladega, Butler, and others, approved January 9, 1840, was read the second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to to be entitled an act to appropriate the surplus funds in the county treasury of St. Clair county, was read a second time, and on motion of Mr Farrar, referred to a select committee; consisting of Messrs Farrar, Toulmin and Hall.

Engrossed bill from the House of Representatives to be entitled an act to locate the seat of justice of Marion county, and for other purposes, was read a second time, and on motion of Mr Wilson of F. referred to the a select committee; consisting of Messrs Wilson of F. McVay and Terry.

Engrossed bill to be entitled an act prescribing the mode of filling vacancies in the office of clerk of the circuit court, was read a third time and passed the Senate. Ordered that the title remain unchanged.

Engrossed bill to be entitled an act to repeal in part an act incorporate the city of Wetumpka, was read a third time, and passed the Senate. Ordered, that its title remain unchanged.

Mr Dent offered the following resolution:

Resolved, That the secretary be requested to deliver to the chairman of the committee on privileges and elections, the box now in the secretary's office, containing the votes of the county of Sumter, at their last election for senator and representatives to represent said county. Which was adopted.

On motion of Mr Rice, the proposition submitted by himself yesterday, proposing to amend the latter clause of the thirteenth rule of the Senate, by inserting the following in lieu of said clause as it not stands, to wit: 'but no senator shall vote on any question, unless he be within the bar of the House, before the decision is announced from the chair,' was taken up, and rule was so amended.

Mr Buford introduced a bill to be entitled an act for recording testimony on granting continuances, which was read a first time, and ordered to a second reading.

On motion of Mr Hudson, the report of the judiciary committee, to which was referred the resolution instructing them to inquire into the expediency of so altering the law of adjoining States, was ordered to be taken from the table, and on motion of Mr Hudson, the report was referred to a select committee, consisting of Messrs Hudson, Terry and Lea.

On motion of Mr Rice, the Senate adjourned until to-morrow morning, ten o'clock.

SATURDAY, November 14, 1840.

The Senate met pursuant to adjournment.

Mr Hudson from the committee on accounts and claims, to whom was referred the claim of Albert Parish, for services rendered as a guard in going in Chambers county with a prisoner, and finding horse, &c. reported that the said claim is not properly authenticated, and therefore should not be allowed, and

asked leave to discharge from the further consideration thereof; leave was granted and the committee was discharged.

Mr McAllister asked and obtained leave to withdraw the account.

Mr Phillips presented the accounts of Isaac N. Campbell, sheriff of Dallas county, and the account of Thomas J. Holloway, sheriff of Dallas county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr Hudson,

Resolved, that the House of Representatives be respectfully requested to transmit to the Senate the engrossed copy of the criminal code, passed by the Senate the last session of the Legislature, in order that the immediate action of the Senate may be had upon it, and thereby facilitate the action of both branches of the General Assembly, thereon.

On motion of Mr Rice,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of purchasing----- copies of Phillips' Digest of the Reports of the State of Alabama.

Mr Reese offered the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Secretary of State be required to furnish the state printer with the acts passed at this session, so soon as approved by the Governor.

Which was read the first time, and ordered to a second reading.

On motion of Mr Rice,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reducing the price of the reports of the Supreme Court of this State.

Mr Clarke introduced a bill to be entitled, an act for the support of paupers in the county of Benton; which was read the first time, and ordered to a second reading.

On motion of Mr Turner,

Resolved, That the committee on internal improvement and inland navigation, be instructed to inquire into the expediency of appropriating thirty thousand dollars, out of the three per cent fund to complete the clearing out of the Muscle Shoals, in the Tennessee river.

On motion of Mr Farrar,

Resolved, That the committee on military affairs, be instructed to inquire into the expediency of abolishing brigade drills and encampments, so far as relates to the third brigade, seventh division of Alabama militia, with leave to report by bill or otherwise.

On motion of Mr Rice,

Resolved, That the Comptroller of public accounts, be requested to communicate to the Senate, the amount of money paid out on account of brigade encampments, for camp equipage, &c. and what amount of money may reasonably, be necessary to defray the expenses already incurred for that object.

On motion of Mr Creagh,

Resolved, That so much of the reports of the State Bank and Branches as refers to the amount paid to the sixteenth sections, be referred to the committee on education.

The Senate proceeded to the consideration of the orders of the day.

A bill to be entitled an act for the relief of ----Howell, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled, an act to repeal in part, an act authorizing the sheriff of Blount County, to serve process issued by justice of the peace, was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr Rice, the vote ordering the bill entitled, an act to amend the law concerning judicial attachments, was reconsidered on motion of the same, the vote was reconsidered, ordering that the words, 'a reasonable time' be stricken out, and the words 'thirty days' inserted in lieu thereof.

On motion of Mr Thornton, the bill was recommitted to the committee on the judiciary.

Message from the House of Representatives, by Mr Phelan.

Mr PRESIDENT—The House of Representatives concurs in the resolution of the Senate, proposing to raise a committee of both Houses, to consist of five members on the part of the Senate and ten on the part of the House, to which shall be referred all matters relating to the chancery courts of this State; Messrs Young, Clemens, Walker of L. Williams of J. Rice, Hutchinson, Inge, King, Davis of Bibb, and Bates, have appointed a committee on the part of the House.

The House of Representatives has also adopted the following resolution.

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Tuesday next, at twelve o'clock noon, for the purpose of electing a judge of the county court of Cherokee county, to fill the vacancy occasioned by the removal from the United States, of the Hon. George Birdwell, the late judge of said court.

Bills of the following titles, have passed by the House of Representatives:

A bill to authorize Henry Haynes, to erect a toll bridge across Thompson's Creek, in the county of Marshall.

A bill for the relief of Louisa Stewart, of Randolph county.

A bill to divorce Sarah Welch from her husband Dennis R. Welch, and

A bill to divorce Herod Seale from his wife Sarah Seale.

In which the concurrence of the Senate is requested.

Message concurred in, and that part of the message from the House of Representatives, proposing that the two Houses, assemble in the Hall of the House on Tuesday next, at twelve o'clock, for the purpose of electing a judge of the county court of Cherokee county, was

On motion of Mr Reese. amended by striking out the word 'Tuesday' and inserting in lieu thereof the word 'Wednesday.'

On motion of Mr Toulmin, the resolution adopted by the House, proposing to go into election of a judge of the county court of Cherokee, was further amended, by adding 'and a judge of the circuit court and a solicitor for the tenth judicial circuit.'

Engrossed bill from the House of Representatives, to be entitled an act to authorize Henry Haynes, to erect a toll bridge across Thompson's Creek, in the county of Marshall, was read a first time, and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled an act for the relief of Louisa Stewart, of Randolph county, was read a first time, and ordered to a second reading.

Engrossed bill from the House of Representatives, to divorce Sarah Welch from her husband Dennis R. Welch, was read a first time, and ordered to a second reading.

Engrossed bill from the House of Representatives, to divorce Herod Seale from his wife Sarah Seale, was read a first time, and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled an act to repeal in part, an act entitled an act to regulate the proceedings of the courts and the compensation of witnesses, in the counties of Lowndes, Talladega, Butler and others, approved, January 9th, 1840, was read a third time and passed the Senate. Ordered, that it be sent to the House of Representatives for its concurrence.

A bill to be entitled an act for the recording testimony on granting continuances, was read a second time, and motion of Mr Hudson, referred to the committee on the judiciary; which was completed the orders of the day.

Mr Hall introduced a bill to be entitled an act to incorporate the Central Seminary, in the county of Autauga; which was read a first time, and ordered to a second reading.

On motion of Mr Lea, the vote on the adoption of the resolution instructing the committee on the judiciary, to inquire into the expediency of reducing the prices of the reports of the Supreme Court of this State, was reconsidered.

Mr Lea offered the following amendment, to come in at the end of the resolution, 'and of furnishing a copy of each report to each of the States of the Union, and that they report by bill or otherwise.'

Which was adopted.

Mr Reese introduced a bill to be entitled, an act to assist the Montgomery Railroad Company; which was read a first time, and ordered to a second reading.

Message from the House of Representatives, by Mr Phelan.

Mr PRESIDENT— The House of Representatives have adopted the following resolution.

Resolved, That the assistant clerk of this House be authorized to employ, during the absence of the principal clerk, such assistance as may be necessary. to transact the business of the House.

Which was adopted, and Mr Charles D. Conner appointed.

On motion of Mr. Andress, the Senate adjourned until Monday ten o'clock.

MONDAY November 16, 1840.

The Senate met pursuant to adjournment.

Mr PRESIDENT laid before the Senate, the report of the majority of the commissioners for the improvement of the navigation of the Coosa river, the reading of which, was dispensed with, and on motion of Mr Rice, ordered to lay on the table, and thirty-three copies thereof, ordered to be printed.

Mr Phillips presented the petition of George R. Evans, and others, in regard to the courts of the second judicial circuit, the reading of which was dispensed with, and on motion, referred to a select committee, consisting of the Senators from second judicial circuit.

Mr Dent presented the account of R. W. Barber, Jailer of Tuscaloosa county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Wilson of F. presented the account of R. H. Poe, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Creagh presented the accounts of George Savage, the reading of which,

was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Thornton from the judiciary committee, to which was referred a bill to be entitled an act concerning sales by sheriffs and other officers, reported that it is inexpedient to alter the present law, as proposes by said bill.

The question was upon concurring in the report of the committee.

Mr Hudson moved to lay the report and bill on the table.

Upon which Mr Terry demanded the yeas and nays. Yeas 30–Nays 9.

YEAS– Messrs President, Alston, Address, Buford, Clarke, Creagh, Farrar, Hudson, Hall, Jones, King, McAllister, Oliver, Phillips, Rodgers, Smith, Toulmin, Turner, Wilson of J. and Womack.

NAYS–Messrs Dailey, Dent, Lea, Lloyd, McVay, Reese, Terry, Thornton, and Wilson of F.

The motion to lay on the table, prevailed.

Message from the House of Representatives, by Mr Phelan.,

Mr President– The House of Representatives have passed bills of the following titles:

An act to amend a certain act therein named:

An act to divorce Sarah A. Lewis from her husband, Jonathan Jones:

An act for the relief of Sarah A. Harris.

An act to alter and amend the laws for assessing and collecting the taxes in the county of Butler:

An act to change the mode of assessing and collecting the taxes of Pike county:

An act authorizing the judge of the county court and commissioners of roads and revenue, to assess and collect a tax to defray county claims in the county of Randolph; in which the concurrence of the Senate is requested.

The House in accordance with the request of the Senate, herewith returns the engrossed copy of the bill regulating punishment under the penitentiary system.

Engrossed bill from the House of Representatives, to be entitled an act to amend a certain act therein named' was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives, to divorce Sarah A. Jones from her husband Jonathan Jones, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled an act for the relief of Sarah a. Harris, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled an act to alter and amend the laws for assessing and collecting the taxes in the county of Butler, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives, to change the mode of assessing and collecting the taxes for Pike county, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled an act authorizing the judge of the county court and commissioners of roads and revenue, to assess and collect a tax to defray county claims in the county of Randolph, was read a first timer and ordered to a second reading.

On motion of Mr Hudson, the engrossed copy of the penal code, returned by the House of Representatives to the Senate, was ordered to lay on the table.

Mr Thornton, from the judiciary committee, to which was referred a bill to be entitled an act to guard against frauds and impositions in sales by sheriffs, reported a substitute for the one referred. The Senate concurred in the report of the committee, and thereby adopted the bill reported by the committee in lieu of the original one.

The bill was then read the second time, to wit: 'a bill to be entitled an act to prevent frauds in the sales of land and negroes by sheriffs and other officers.'

Mr Terry moved to amend the amendment, by inserting after the words, 'in some newspapers, if there be one published, in the county in which such sale may be made,' 'or the nearest one having the greatest circulation;' which amendment, Mr President pronounced out of order.

From the decision of the Chair, Mr Hudson took an appeal.

The question being put, shall the decision made by the Chair be sustained? was decided in the affirmative.

On motion of Mr Reese, the vote adopting the amendment of the committee was reconsidered.

The question was then taken on the adoption of the amendment offered by Mr Terry; which was carried in the affirmative.

On motion of Mr Terry, the bill was ordered to be recommitted to the judiciary committee.

Mr Thornton, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law giving discretionary power to the commissioners' courts, as to levying county taxes, reported that it is not expedient to legislate further on the subject of the resolution ; in which the Senate concurred.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to appoint a special coroner in certain cases, reported that it is inexpedient to enact the same. in which the Senate concurred.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to amend the attachment of laws, reported that it is inexpedient to alter the present law as it is proposed to do by said bill, in which the Senate concurred.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act authorizing the erection of two township school houses in the town of Livingston, in the county of Sumter, reported the same back to the Senate as being improperly referred to this committee, and asked to be discharged from the further consideration of the same ; leave was granted and the committee discharged.

On motion of Mr Jones, the bill was ordered to lay on the table.

Mr Thornton from the same committee, to which was referred a resolution instructing them to enquire into the expediency of amending the laws, so as to subject the holder or owner of property run out of the State to avoid payment of debt, to be held to bail and imprisoned until the property is brought back, or good security given that it would be brought back, reported that it is inexpedient to legislate upon the subject, in which the Senate concurred.

Mr Turner from the committee on roads, bridges and ferries, to which was referred the petition of Josiah Brock and others, in relation to exemption from working on the roads in DeKalb county, reported a bill and recommended its passage.

A bill to be entitled an act concerning exemptions from working on public roads in DeKalb county, was read a first time, and ordered to a second reading.

Mr Turner from the same committee, to which was referred a resolution of enquiry into the expediency of repealing so much of the road law as requires judges of the county courts and commissioners of roads and revenue to appoint supervisors, reported that it is inexpedient to legislate upon the subject, and asked leave to be discharged from the further consideration of the subject.

Mr Rice called for a division of the question.

The question was taken upon granting leave to the committee to be discharged, which was granted.

On motion of Mr Rice, the report and resolution were ordered to lay on the table.

Mr Farrar from the select committee, to whom was referred the engrosses bill from the House of Representatives, to be entitled an act to appropriate the surplus funds in the county treasury of St. Clair county, reported the same back to the House and recommended its passage; the bill was placed among the orders of the day.

Mr Hudson introduced a bill to be entitled an act excluding certain lands from the jurisdiction of the corporation of the town of Benton, in the county of Lowndes, which was read the first time and ordered to a second reading.

Mr Hudson introduced a bill to be entitled an act discontinuing certain election precincts in the county of Lowndes, which was read the first time.

On motion of Mr Rice, the constitutional rule dispensed with, and the bill was read a second time forthwith.

On motion of Mr Rice it was referred to the committee on privileges and elections.

Mr Womack introduced a bill to be entitled an act to appoint a committee of finance in the county of Pike and for other purposes, which was read a first time and ordered to a second reading.

Mr Clarke offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of altering and amending the law in relation to judgments before a justice of the peace, that in all cases where the amount in controversy shall not exceed the sum of fifty dollars, the parties shall have the right of appeal to an impartial trial by jury, and justices of the peace be authorized to summon a jury for that purpose ; that they have leave to report by bill or otherwise.

On motion of Mr Hall,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of passing a law, exempting the property of females from sale for the payment of debts contracted by their husbands previous marriage.

On motion of Mr Lloyd,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of passing a law compensating jurors for their services when summoned to attend before justices of the peace, for the purpose of trying the rights of property, with leave to report by bill or otherwise.

Mr McAllister introduced a bill to be entitled an act to repeal in part an act entitled an act in relation to sixteenth sections, approved February third, eighteen hundred and forty, which was read a first time and ordered to a second reading.

On motion of Mr Jones,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of altering the time of commencement of the circuit and county courts of this State, from Monday's Wednesday' and to report by bill or otherwise.

On motion of Mr Hudson,

Resolved, That the Comptroller of Public Accounts be required to furnish the committee on state printing all the vouchers filed in his office ; by the state printer, for his pay as state printer for the year eighteen hundred and forty.

Mr Dailey offered the following resolution:

Resolved, That the committee on the judiciary be requested to inquire into the propriety of allowing juries to magistrate's courts, and to report by bill or otherwise, which was adopted.

Mr President laid before the Senate the following communication:

COMPTROLLER'S OFFICE,}

November, 6, 1840.

Hon, J. L. F. COTTRELL, President of Senate:

Sir—In compliance with a resolution of the Senate, adopted the fourteenth, requesting the Comptroller of Public Accounts to communicate to the Senate the amount of money paid out for camp equipage for brigade encampments, and the probable amount yet necessary to defray the expenses already incurred for that object,

I have the honor herewith to submit to the Senate the following statement showing the amount actually paid out during the last two years, together with the probable amount necessary to carry out the plan as proposed by an act of the first February 1839, to repeal in part and amend the militia laws of this State, to wit:

The amount paid out during the last two years, amounts to fifteen thousand four hundred and eighty seven dollars and seventy cents. And the amount necessary to complete the plan, so far as I have been able to ascertain from those who have contracted to furnish tents to the different brigades, may be safely estimated at fifteen thousand dollars more.

J. C. VAN DYKE,

Comptroller Public Accounts.

The communication being read, was on motion of Mr Clarke, referred to the committee on military affairs.

On motion of Mr McVay,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of making it the duty of sheriffs by law, to renew their bonds annually, with leave to report by bill or otherwise.

On motion of Mr McAllister,

Resolved, That the committee on privileges and elections, be instructed to inquire into the expediency of abolishing the election precincts at the house of Josph E. Albrittons, in the county of Henry, and establishing in lieu thereof, one at the house of Levi Heath, in said county, also the expediency of establishing an election precinct at the house Elias Miller, in said county.

The Senate proceeded to the consideration of the orders of the day.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the secretary of the State be required to furnish the state printer with a copy of the acts passed at this session, so soon as approved by the Governor.

Which was read a second time.

Mr King moved the reference of the joint resolution to the committee on state printing, which was lost; the resolution was ordered to be engrossed for a third reading.

A bill to be entitled an act for the support of paupers in the county of Benton, was read a second time, and on motion of Mr Clarke, referred to a select committee, consisting of Messrs Clarke, Terry and Lea.

Engrossed bill to be entitled an act for the relief of ----- Howell, was read a third time, and yeas and nays being demanded on its passage.— Yes 14– Nays 14.

YEAS- Messrs Buford, Clarke, Dailey, Dent, Hall, King, Lea, McAllister, McVay, Oliver, Phillips, Rice, Turner and Womack.

NAYS–Messrs President, Alston, Address, Creagh, Hudson, Jones, Lloyd, Rodgers, Smith, Terry, Thornton, Toulmin, Wilson of F. and Wilson of J.

The bill was lost.

Engrossed bill to be entitled an act to repeal an act, authorizing the sheriff of Blount county to serve process issued by justices of the peace, was read a third time, and passed the Senate. Ordered, to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to authorize Henry Haynes to erect a toll bridge across Thompson's creek, in the county of Marshall, was read a second time, and on motion of Mr Lloyd, referred to a select committee, consisting of Messrs Lloyd, Smith and Dent.

Engrossed bill from the House of Representatives, to be entitled, an act for the relief of Louisa Stewart, of Randolph county, was read the third time, and on motion of Mr Reese, ordered to lie on the table.

Engrossed bill from the House of Representatives, to be entitled an act to divorce Dennis R. Welch from his wife Sarah Welch, was read a second time, and on motion of Mr Phillips, referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives, to divorce Herod Scale from his wife Sarah Seale, was read a second time.

Mr Hudson moved to refer the bill to the committee on divorce and alimony; which was lost. The bill was then ordered to a third reading.

A bill to be entitled, an act to incorporate the Central Seminary, in the county of Autauga, was read the second time, and on motion of Mr King referred to the committee on education.

A bill to be entitled, an act to assist the Montgomery Railroad Company, was read a second time, and on motion of Mr Phillips, referred to the committee on internal improvement and inland navigation.

Engrossed bill from the House of Representatives, to be entitled, an act to appropriate the surplus funds in the county treasury of St. Clair county, was read a second time, and ordered to a third reading.

Which completed the orders of the day.

Mr Rice introduced a bill to be entitled, an act to repeal in part, an act entitled an act to amend and consolidate the laws on the subject of public roads: which was read a first time, and ordered to a second reading.

Mr Phillips offered the following resolution:

Resolved, That the committee on privileges and elections, inquire into the expediency of changing the time of holding the general elections of this State: which was adopted.

On motion of Mr Hudson, the bill to be entitled, an act regulating punishments under the Penitentiary System, was taken from the table, read a first time, and ordered to a second reading.

On motion of Mr Rice, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, NOVEMBER 17, 1840

The Senate met pursuant to adjournment.

Mr President laid before the Senate, a communication from the cashier of the Branch Bank, at Huntsville, transmitting a statement of the indebtedness of the members of the General Assembly to said Bank; the reading of which was dispensed with, and on motion of Mr Hudson, referred to the committee on the State Bank.

Mr Hudson presented the return of the Quartermaster General for the year 1840: the reading of which, was dispensed with, and on motion, referred to the committee on military affairs.

Mr Wilson of F. from the select committee, to which was referred a bill to be entitled, an act to locate the seat of justice for the county of Marion, reported the same back to the Senate, with the following amendments, to the first section, (to wit:) in the fourth line, strike out 'August' and insert 'June:' in the sixteenth line, strike out 'August,' and insert 'June,' and in the same line, strike out 'October' and insert 'August,' question was taken, and the amendments were adopted. The bill was read a second time, and ordered to a third reading.

Mr King offered the following preamble and resolutions:

Whereas, according to the doctrine of the republicans of ninety eight, recognized and acknowledged by all true democrats, the Government of the United States, and that of the State of Alabama, are both purely representative, as to all legislative action and legislative duties, and whenever the delegates of the National or State Legislatures, fail to represent the ascertained will of the majority of their respective constituency, they are guilty of direct usurpation and of a palpable violation of their trust, so sacred are the obligations which this representative principle imposes, that express instruction should not be required to mould the representative to the popular will, if, by any other means, this will can be ascertained, upon these fundamental principles of true democracy, and to secure a perfect and entire responsibility upon this basis, our State has been divided into counties, entitled to separate delegations, who should be the several exponents of the will of the majority of that county, the collected representation from all the counties compose the legislature of Alabama, to which body is assigned the duty of electing two Senators to represent the State of Alabama in the Congress of the United State, for the term of six years, the duty now devolves upon the Legislature of Alabama to elect one of those Senators, and that body is relieved from the risk of a misconception of the wishes of their respectable constituents, the recent vote of all the counties after a long and exciting contest, has so clearly manifested that wish as to make it equivalent to positive instructions, and he who fails or refuses (after such a manifestation of public opinion) to reflect that opinion in the election of a Senator, either denies the democratic principle of popular control, or recognizing it in theory contemns the voice of those by whom alone he is empowered to vote: therefore,

Be it resolved, That in all cases the representative is bound to respect the ascertained will of his constituents and that a failure or neglect, truly to act and vote for them, and in their name, is an express violation of the principles of genuine democracy.

Be it further resolved, That in the election of a Senator to represent the State of Alabama, in the Senate of the United States, no Senator or representative is authorized to exercise discretionary powers, but he is bound to vote for

that individual whose political opinions may accord with those of a majority of his constituents.

Mr Terry moved the reference of the preamble and resolutions to a select committee, of which Mr King should be chairman; and on the motion so to post the yeas and nays were desired. Yeas 20–Nays 11.

Those who voted in the affirmative are, Messrs President, Clarke, Creagh, Dailey, Farrar, Hall, Hudson, Jones, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are, Messrs Alston, Address, Buford, Dent, King, Lea, Oliver, Phillips, Reese: Thornton, and Womack.

The motion prevailed, and Messrs King, Terry, and Buford, were appointed said committee.

Message from the House of Representatives, by Mr Phelan.

MR PRESIDENT– The House of Representatives has concurred in the amendment made by the Senate, to the resolution proposing to go into the election of a judge of the county court of Cherokee county, striking out 'Tuesday' and inserting 'Wednesday,' but refuses to concur in the last amendment, which proposes to go into the election of a solicitor and judge for the tenth circuit.

The House of Representatives has also passed bills of the following titles.

An act to divorce Caroline Butts from her husband George W. Butts.

An act to alter the mode of assessing and collecting the tax for the county of Pickens and for other purposes.

An act for the relief of Africa Roundtree.

An act to authorize the election of a tax collector in the county of Russell.

The House of Representatives has also adopted a joint resolution in relation to the supreme court decisions, in all of which the concurrence of the Senate is requested.

On motion of Mr Hudson the Senate receded from its amendment, proposing to go into the election of a solicitor and judge of the tenth judicial circuit, in connection with the election of a judge of the county court of Cherokee county, as proposed by a resolution adopted by the House of Representatives.

Engrossed bill from the House of Representatives, to be entitled, an act to divorce Caroline Butts From her husband George W. Butts, was read the first time, and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled, an act to alter the mode of assessing and collecting the tax for the county of Pickens, and for other purposes, was read the first time, and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled an act for the relief of Africa Roundtree, was read the first time, and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled, an act to authorize the election of an assessor and tax collector for the county of Russell, was read the first time, and ordered to a second reading.

The joint resolutions from the House of Representatives, in relation to the supreme court decisions, was read the first time, and ordered to a second reading.

Mr Rice introduced a bill to be entitled, an act to amend an act entitled an act the better to regulate the taxing of pedlars and shows; which was read a first time, and ordered to a second reading.

Mr Turner from the committee on roads, bridges and ferries, to which was

referred a bill to be entitled, an act to authorize justices of the peace to appoint overseers of public roads in certain cases, reported the bill back to the Senate, with the following amendments, to wit: at the end of the first section add, 'which appointment shall be by said clerk, laid before the next commissioners' court for their approval:' in the second section and fourth line after the word 'capacity' strike out the remainder of said line, and all of the fifth line and insert in lieu thereof, 'until the next commissioners' court, whose duty it shall be to make such appointment.'

The Senate adopted the amendments proposed by the committee, and the bill was read a second time, and ordered to be engrossed for a third reading.

Mr Thornton introduced a bill to be entitled an act to authorize summary proceedings against the sheriffs in certain cases therein mentioned, which was read the first time and ordered to a second reading.

Mr Smith introduced a bill to be entitled an act to repeal an act approved February 3d, 1840, so far as it related to the counties of DeKalb and Cherokee, which was read the first time, and ordered to a second reading.

Mr Clarke from the select committee, to which was referred a bill to be entitled an act for the support of paupers in the county of Benton, reported the same back to the Senate without amendment, and recommend its passage. The bill was placed among the orders of the day.

On motion of Mr Jones, the bill to authorize the erection of two township school houses in the town of Livingston, in Sumter county, was ordered to be taken from the table: it was then read a second time, and ordered to be engrossed for a third reading.

The Senate proceeded to the consideration of the orders of the day.

Engrossed bill from the House of Representatives, entitled an act to amend a certain act therein named, was read a second time.

On motion of Mr Rice, it was referred to the committee on Indian expenditures.

Engrossed bill from the House of Representatives to divorce Sarah A. Jones from her husband Jonathan Jones, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Sarah A. Harris, was read a third time.

On motion of Mr Hudson, it was ordered to lie on the table.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend the laws for assessing and collecting the taxes in the county of Butler, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to change the mode of assessing and collecting the taxes of Pike county, was read a second time and ordered to a third reading.

Engrossed bill to be entitled an act authorizing the judge of the county court and commissioners of roads and revenue, to assess and collect a tax to defray county claims in the county of Randolph, was read a second time and ordered to a third reading.

On motion of Mr Jones, the orders of the day were suspended and the vote taken on the passage of the bill to be entitled an act for the relief of ----- Howell, which was lost, the vote was reconsidered, and the question was again put, shall the bill pass, which was decided in the affirmative. Ordered, that its title remain unchanged.

The Senate resumed the consideration of the orders of the day.

A bill to be entitled an act concerning exemptions from working on public roads, in De Kalb county, was read a second time, and on motion of Mr Lee, referred to the committee on roads, bridges and ferries.

A bill to be entitled an act excluding certain lands from the jurisdiction of the corporate of the town of Benton, in the county of Lowndes, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to appoint a committee of finance in the county of Pike, and for other purposes, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to repeal in part, an act in relation to sixteenth sections, approved January third, eighteen hundred and forty, was read a second time and ordered to be engrossed for a third reading.

Engrossed bill from the House of Representatives, to be entitled an act to divorce Herod Seale from his wife Sarah Seale, was read a third time and the yeas and nays demanded on its passage.

Those who voted for the passage of the bill, are Messrs President, Alston, Buford, Clarke, Farrar, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Rice, Rodgers, Smith, Terry, Toulmin, Turner and Womack.

Those who voted against the passage of the bill, are Messrs Address, Creagh, Dailey, Dent, Hudson, Reese, Thornton, Wilson of F. and Wilson of J.

Two thirds of the whole number, voted in the affirmative and the bill passed.

Engrossed bill from the House of Representatives, to be entitled an act to appropriate the surplus funds in the county treasury of St. Clair county, was read a third time and passed the Senate.

A bill to be entitled an act to repeal in part, an act entitled an act to amend and consolidate the law on the subject of public Roads, was read a second time, and on motion, referred to the committee on roads, bridges, and ferries.

Message from the House of Representatives, by Mr Phelan:

Mr President—I am instructed by the House of Representatives, to invite the Senate into the Hall of the House for the purpose of going into the election of a Senator to the Congress of the United States.

Whereupon the Senate repaired to the Hall of the House of Representatives and were seated.

Mr President announced the object of the meeting of the two Houses to be to elect a Senator to the Congress of the United States, to supply the place of the Hon. W.R. King, whose term in service expires on the fourth of March next.

The two houses then proceeded to the election—Honorable WILLIAM R. KING, and the Honorable JOHN GAYLE, being in nomination.

Those who voted for Mr KING, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate: Messrs Adams, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A., Davis of L., Dixon, Douglass, Fowler, Garrett, Griffin, of J., Griffin of M., Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan. McCullough, McMillion of B., McMillion of J., Moore of Madison, Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J., Smith of L. Stone, Strode, Walker of B., Walker of L., Wann, Williamson, Wilson Winston of DeK., Winston of S. and Wynn, of the House of Representatives—72.

Those who voted for MR GAYLE, are Messrs Alston, Andress, Buford, Dent, King, Lea, Oliver, Phillips, Thornton and Womack, of the Senate: Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of B., Doster, Fitzpatrick, Flemming, Griffin of S., Hall, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peters, Prince, Seawell, Shanks, Simmons, Spruill, and Young, of the House of Representatives—55.

The Hon. WILLIAM R. KING having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected Senator to the Congress of the United State, from the fourth of March next.

The Senate then withdrew from the Hall of the House and returned to the Senate chamber.

Mr President resumed his Chair, and the Senate proceeded to business.

A bill to be entitled an act for the support of paupers in the county of Benton, was read the second time and ordered to be engrossed for a third reading, which completed the orders of the day.

On motion of Mr Lloyd, the Senate adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, November 18, 1840.

The Senate met pursuant to adjournment.

Mr Hall presented the petition of sundry citizens of Autauga county, the reading of which was dispensed with, and on motion, referred to the committee on privileges and elections.

Mr Toulmin presented the account of Wm. Magee, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has adopted the following resolution:

Resolved by the House of Representatives, the Senate concurring, the two Houses will assemble in the Hall of the House on Thursday next, at twelve o'clock, for the purpose of electing a solicitor for the first judicial circuit, in which the concurrence of the Senate is requested.

On motion of Mr Reese the resolution was amended by adding 'and a solicitor of the tenth judicial circuit.'

The message was then concurred in, as amended.

Mr McConnell presented the petition of sundry citizens of Benton and Talladega counties, the reading of which was dispensed with, and on motion, referred to the committee on county boundaries.

Mr Creagh presented the petition of Wm. McConnell, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Clarke presented the petition of sundry citizens of Benton, the reading of which was dispensed with, and on motion, referred to the committee on county boundaries.

On motion of Mr Rice, two members were added to the select committee, to which the preamble and resolutions offered by Mr King, were referred, on motion of Mr McConnell, Mr Rice was added to the same committee, and on motion of Mr Reese, Mr Alston was also added to the same committee.

Mr Rice asked and obtained leave of absence for Mr Dailey, for an indefinite period.

Mr Phillips offered the following resolution:

Resolved, by the Senate and House of Representatives, That the Whig members of the General Assembly be permitted to illuminate the Capitol, provided the same be done at their own expense, in honor of the election of Wm. H. Harrison to the Presidency of the United States.

Mr McConnell moved to lay the resolution on the table, upon which the yeas and nays were called for. Yeas 19 — Nays 10.

Yeas — Messrs President, Clarke, Creagh, Farrar, Hall, Hudson, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Nays — Messrs. Alston, Andress, Buford, Dent, King, Lea, Oliver, Phillips, Thornton and Womack.

The resolution was laid upon the table.

Mr Andress presented the account of Edward S. Broughton, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Wilson of J. introduced a bill to be entitled an act to change the time of making settlement between the tax collector and commissioners' court, of Jackson county; which was read the first time. On motion of Mr Wilson the constitutional rule was dispensed with, and the bill received its second reading forthwith, and was ordered to be engrossed for a third reading.

Mr Buford introduced a bill to be entitled an act to amend the law in relation to judicial proceedings, which was read a first time, and ordered to a second reading.

On motion of Mr King,

Resolved, That the committee on education be instructed to inquire into the expediency of reducing the fees of bank attorneys in relation to sixteenth sections, with leave to report by bill or otherwise.

Mr King presented a document from T. J. Clarke, which was referred to the committee on education.

The Senate proceeded to the consideration of the orders of the day.

A bill to be entitled an act to regulate punishments under the penitentiary system, was read a second time, and on motion of Mr Clarke, referred to the committee on the judiciary.

Engrossed joint resolution of the Senate and House of Representatives in General Assembly convened, requiring the Secretary of State to furnish the State printer with a copy of the acts so soon as approved by the Governor, was read a third time and passed.

Engrossed bill from the House of Representatives to be entitled an act to locate the seat justice of Marion county, and for other purposes, was read the third time, and passed the Senate.

Engrossed bill from the House of Representatives to be entitled an act to divorce Caroline Butts from her husband George W. Butts, was read the second time. Mr Reese moved its reference to the committee on divorce and alimony, which was lost. The bill was then ordered to its third reading.

Engrossed bill from the House of Representatives to be entitled an act to change the mode of assessing and collecting the tax for the county of Pickens, was read a second time, and on motion of Mr King, referred to a select committee, consisting of Messrs King, Oliver and Womack.

Engrossed bill from the House of Representatives, to be entitled an act for

the relief of Africa Roundtree, was read a second time, and on motion of Mr Hudson referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to authorize the election of a tax collector in the county of Russell, was read a second time and ordered to a third reading.

Engrossed joint resolutions from the House of Representatives, in relation to the Supreme Court Decisions, was read a second time, and on motion of Mr Hudson referred to the committee on the judiciary.

A bill to be entitled an act to amend an act entitled an act the better to regulate the taxing of pedlars and shows, was read a second time, and on motion of Mr Dent, referred to the committee on propositions and grievances.

Engrossed bill to be entitled an act to authorize justices of the peace to appoint overseers of public roads, in certain cases therein named, was read a second time, and on motion of Mr Wilson of J. referred to a select committee, consisting of Messrs Wilson of J. Hudson and Lea.

A bill to be entitled an act to authorize summary proceedings against sheriffs in certain cases therein mentioned, was read a second time. On motion of Mr McConnell it was referred to the committee on the judiciary.

A bill to be entitled an act to repeal in part an act, approved February 3, 1840, in relation to sixteenth sections, so far as relates to the counties of De Kalb and Cherokee, was read the second time. On motion of Mr McConnell, the bill was amended by adding after 'Cherokee,' 'Talladega and Tuscaloosa,' and on motion of Mr Buford, the word 'Barbour' to come in after the word 'Tuscaloosa.' The bill was then ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act authorizing the erection of two township school houses in the town of Livingston, Sumter county, was read a third time and passed the Senate. Ordered, to be entitled as above.

Engrossed bill from the House of Representatives to be entitled an act to divorce Sarah A. Jones from her husband Jonathan Jones, and upon its passage the yeas and nays were ordered. Yeas 21 — Nays 7.

Yeas — Messrs President, Buford, Clarke, Hudson, Lea, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Rogers, Smith, Terry, Toulmin, Turner, Wilson of J. and Womack.

Nays — Messrs Alston, Address, Creagh, Dent, Thornton, Reese and Wilson of F.

More than two thirds of all the Senators present, voting in the affirmative, the bill passed. Ordered that its title remain unchanged.

Engrossed bill from the House of Representatives, to be entitled an act to alter and amend the laws for assessing and collecting the taxes in the county of Butler, was read a third time and passed the Senate.

Message from the House of Representatives, by Mr Connor:

Mr President — I am directed by the House of Representatives to invite the Senate into the Hall of the House, for the purpose of electing a judge of the county court of Cherokee county.

The Senate thereupon repaired to the Hall of the House forthwith, and were seated. Mr President announced the object of the meeting of the two Houses.

The two houses then proceeded to the election — Arthur Foster and M. J. Turnley, being in nomination.

Those who voted for Mr Turnley, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F., and Wilson of J., of the Senate; Messrs Speaker, Adams,

Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A. Davis of L., Dixon, Douglas, Fowler, Griffin of J., Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B., McMillion of J., Moore of Madison, Moore of Marion, Province, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J., Smith of L., Stone, Strode, Walker of B., Walker of L., Williams, Wilson, Winston of DeK., Winston of S. and Wynn, of the House of Reps.

Those who voted for Mr Foster, are Messrs Alston, Address, Buford, Dent, King, Lea, McConnell, Oliver, Phillips, Thornton and Womack, of the Senate; Messrs Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davis of B., Doster, Fitzpatrick, Flemming, Garrett, Griffin of S., Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young, of the House of Representatives.

Mr Turnley having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Cherokee county, for six years.

The Senate then withdrew from the Hall of the House, and returned to the Senate Chamber. Mr President resumed his Chair, and the Senate proceeded to business.

Engrossed bill from the House of Representatives, to be entitled an act to change the mode of assessing and collecting the taxes of Pike county, was read a third time and passed. Ordered, that its title remain unchanged.

Engrossed bill from the House of Representatives, to be entitled an act authorizing the judge of the county court and commissioners of roads and revenue, to assess and collect a tax to defray county claims in the county of Randolph, was read a third time and passed the Senate. Ordered, that its title remain unchanged.

Engrossed bill to be entitled an act excluding certain lands from the jurisdiction of the corporation of the town of Benton, in the county of Lowndes, was read a third time and passed. Ordered, that it be sent to the House of Representatives for its concurrence, and that its title remain unchanged.

Engrossed bill to be entitled an act to appoint a committee of finance in the county of Pike, and for other purposes, was read a third time and passed. Ordered, that its title remain unchanged.

Engrossed bill to be entitled an act to repeal in part an act entitled an act in relation to sixteenth sections, approved February 3d, 1840, was read a third time and passed.

Engrossed bill to be entitled an act for the support of paupers in the county of Benton, was read a third time and passed. Ordered, that the title of the bill remain unchanged.

On motion of Mr McConnell, the engrossed bill from the House of Representatives, to be entitled an act for the relief of Sarah A. Harris, was ordered to be taken from the table, was read a second time and ordered to a third reading.

Message from the Governor by his Private Secretary, J. D. Bagby:

Executive Department,
Tuscaloosa, November 18, 1840

Sir — I have the honor to submit to the Senate the report of the commissioners, appointed to examine, the condition of the Branch of the Bank of the State of Alabama, at Mobile.

Hon. J. L. F. Cottrell, President of the Senate.

On motion of Mr Dent, the message and report were laid upon the table, and thirty-three copies of the report ordered to be printed.

Mr Hall presented the account of Samuel P. Wallace, sheriff of Autauga county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Reese moved to take from the table the following resolution offered by Mr Phillips, this morning, to wit:

Resolved by the Senate and House of Representatives, That the Whig members of the General Assembly be permitted to illuminate the Capital: Provided, the same be done at their own expense, in honor of the election of W. H. Harrison, to the Presidency of the United States.

The yeas and nays were desired on the motion. Yeas 8 — Nays 21.

Yeas — Messrs Alston, King, McConnell, Phillips, Reese, Thornton, Turner and Womack.

Nays — Messrs President, Andress, Buford, Clarke, Creagh, Dent, Farrar, Hall, Hudson, Lea, Lloyd, McAllister, McVay, Oliver, Rice, Rodgers, Smith, Terry, Toulmin, Wilson of F. and Wilson of J.

The Senate refused to take the resolution from the table.

On motion of Mr Burford, a bill to be entitled an act to enable Margaret Ivy to exercise the rights of a feme sole, was ordered to be taken from the table, was read a second time, and upon the question of ordering it to a third reading, the yeas and nays were desired. Yeas 11 — Nays 15.

Yeas — Messrs Buford, Hudson, Hall, King, Lea, Lloyd, McAllister, McVay, Oliver, Phillips and Rice.

Nays — Messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

The Senate refused to order the bill to be engrossed for a third reading.

On motion of Mr Hall,

Resolved, That the joint chancery committee be instructed to inquire into the expediency of abolishing the separate chancery court of this State, and that they report by bill or otherwise.

Mr Reese offered the following resolution:

Resolved, That the Whig party of the Senate, have the use of the Senate Chamber this evening, and that the doorkeeper be required to remain and assist in taking care of the Chamber.

Mr McConnell moved to lay the resolution on the table.

Mr Womack moved that the Senate adjourn till ten o'clock, to-morrow morning. The yeas and nays were called for. Yeas 16 — Nays 13.

Yeas — Messrs President, Andress, Buford, Creagh, Dent, Hudson, King, Lea, McConnell, Oliver, Phillips, Rodgers, Smith, Thornton, Wilson of J. and Womack.

Nays — Messrs Alston, Clarke, Farrar, Hall, Lloyd, McAllister, McVay, Reese, Rice, Terry, Toulmin, Turner and Wilson of F.

The Senate adjourned to the time proposed.

Thursday, November 19, 1840.

The Senate met pursuant to adjournment.

Mr Hudson, from the committee on accounts and claims, to which was referred the claim of Isaac N. Campbell, sheriff of Dallas county, for attending on the chancery court for the third district, held at Cahawba, reported the same back to the Senate as not being chargeable upon the State, and therefore should

not be allowed, and asked leave to be discharged from the further consideration.

On motion of Mr Phillips the report was laid upon the table.

Mr Hudson, from the same committee, to which was referred the account of R. T. Clyde, for furniture furnished the Register's office of the chancery court for the fifth division, held at Tuscaloosa, reported the same back to the Senate, as not being chargeable upon the State, and therefore, should not be allowed, and asked to be discharged from the further consideration thereof. The report was, on motion of Mr Dent, ordered to lie upon the table.

Mr Hudson, from the same committee, to which was referred the claim of R. W. Barber, for victualling a prisoner, reported the same to the Senate, as not being properly authenticated, and asked to be discharged from the further consideration thereof. The report was laid upon the table.

On motion of Mr Dent, the account was withdrawn.

Mr. Hudson, from the same committee, to which was referred the claims of George Cox and John H. Lewis, for attending before the examining committee on the Decatur Bank, reported the same to the Senate, as not being chargeable upon the State, and therefore should not be allowed, and asked to be discharged from the further consideration thereof. The Senate concurred in the report of the committee.

Mr Reese, from the committee on retrenchment, to which was referred a bill for the better regulation of the State printing, reported the same to the Senate and recommended its passage. The bill was placed among the orders of the day.

Mr Rice presented the petition of Henry Tuttle, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr Smith,

Resolved, That the committee on the State Bank, be instructed to inquire into the expediency of requiring suits brought by the Bank or either of the Branches thereof, to be instituted in the counties where the debtors respectively live, with leave to report by bill or otherwise.

Mr Wilson of J. offered the following preamble and resolutions; which were adopted.

Owing to the unprecedented hardness of the times and the shortness of the cotton crop, the staple commodity of the country, producing great pecuniary embarrassment, &c.

Be it Resolved &c. That the committee on the State Bank and Branches, be instructed to inquire into the expediency of said Bank and Branches, only calling in ten per cent. per annum, with interest upon the amount of debts due the same, requiring semi-annual notes, instead of notes at one hundred and twenty days.

And be it further Resolved, That the committee be instructed to inquire into the expediency of allowing the debtors of the respective Banks to give personal security or a lien, on personal and real property unincumbered, at their own discretion, giving satisfaction to the Board, that the same is well secured, &c.

And be it further Resolved, That the said committee be required to inquire into the expediency of allowing discretionary power to the directory in certain cases, to make arrangements with debtors and indorsers, so as to secure part of the liability when proffered, releasing the indorsers in doubtful cases, when

there is no probability of getting any thing, and the same have leave to report by bill or otherwise.

Mr Hall presented the account of Allen Ray, Jailor of Autauga county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

The Senate proceeded to the consideration of the orders of the day.

The resolution offered by Mr Reese, proposing that the Whig party of the Senate have the use of the Senate chamber, was withdrawn by Mr Reese.

Engrossed bill to be entitled, and act to change the time of making settlement between the tax collector and commissioners' court of Jackson county, was read a third time and passed the Senate. Ordered, that its title remain unchanged.

A bill to be entitled, an act to amend the law in relation to judicial proceedings, was read a second time. On motion of Mr Dent, it was referred to the committee on the judiciary.

Message from the House of Representatives, by Mr Phelan.

Mr President — The House of Representatives has concurred in the amendment made by the Senate to the resolution of the House proposing to go into the election of a solicitor of the first judicial circuit.

The House of Representatives has also passed bills of the following titles:

An act to repeal an act entitled, an act to incorporate the Wetumpka Insurance and Trust Company, of the State of Alabama.

An act for the relief of Thomas W. Bibb, of Lawrence county; in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives, to be entitled, an act to repeal an act entitled an act to incorporate the Wetumpka Insurance and Trust Company, of the State of Alabama, was read a first time. On motion of Mr Hall it was laid upon the table.

Engrossed bill from the House of Representatives, to be entitled, an act for the relief of Thomas S. Bibb, of Lawrence county, was read a first time, and ordered to a second reading.

Engrossed bill from the House of Representatives to be entitled an act to divorce Caroline Butts from her husband George W. Butts, was read a third time, and on motion of Mr Reese, it was referred to the committee on retrenchment.

Engrossed bill from the House of Representatives to be entitled an act to authorize the election of a tax collector in the county of Russell, was read a third time, and passed the Senate. Ordered, that its title remain unchanged.

Engrossed bill to be entitled an act to repeal in part, an act approved February three, eighteen hundred and forty, in relation to sixteenth sections, so far as it relates to the counties of De Kalb, Cherokee, Talladega, Tuscaloosa and Barbour, was read a third time, and passed the Senate. Ordered, that its title remain unchanged.

Engrossed bill from the House of Representatives entitled an act for the relief of Sarah A. Harris, was read a third time and on motion of Mr Terry, it was laid upon the table.

A bill to be entitled an act amendatory of an act for the better regulation of the State printing, and altering the mode of paying for the same so that it may be let out to the lowest bidder, was read a second time.

Mr Terry moved to postpone the consideration of the bill until Friday week, which was lost.

The question was then taken upon ordering the bill to be engrossed for a third reading, and the yeas and nays were demanded. Yeas 16 — Nays 13.

Yeas — Messrs Alston, Address, Buford, Dent, King, Lea, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Thornton, Turner, Wilson of F. and Womack.

Nays — Messrs President, Clarke, Creagh, Farrar, Hall, Hudson, Lloyd, McAllister, Rice, Smith, Terry, Toulmin and Wilson of J.

Message from the House of Representatives, by Mr Conner.

Mr President — I am directed by the House of Representatives to invite the Senate into the hall of the House for the purpose of electing Solicitors for the first and tenth judicial circuits.

The Senate thereupon repaired to the hall of the House, were seated, and Mr President announced the object of the meeting of the two Houses, to elect a Solicitors for the first and tenth judicial circuits.

The two houses proceeded to elect a Solicitor for the First Judicial Circuit, William M. Brooks, alone being in nomination.

Those who voted for Mr Brooks, are Messrs President, Address, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, McVay, Oliver, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack, of the Senate ; Messrs. Speaker, Adams, Adrian, Alexander, Baker, Bates, Bell, Blackshear, Blount, Bowen, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Kidd, King, Little, Mangum, Mallard, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Morris, Murphy, Peguese, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.

Mr Address, King, Lea, Barron, Bradley, Hutchinson, Langdon, Mann, McCoy, McLemore, Norris, Norwood, and Prince, voted for Mr Davis.

Mr Phillips voted for Mr. Graham.

Mr Brooks having received a majority of all the votes given, was by Mr Speaker declared duly and constitutionally elected Solicitor for the First Judicial Circuit, for the time prescribed by law.

The two houses next proceeded to the election of a Solicitor for the Tenth Judicial Circuit — Percy, Walker and John T. Taylor, being in nomination.

Those who voted for Mr Walker, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs. Speaker, Adams, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.

Those who voted for Mr. Taylor, are Messrs Alston, Address, Buford, Dent, King, Lea, McConnell, Oliver, Phillips and Womack, of the Senate; Messrs Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Davenport, Davidson, Davis of B. Doster, Garrett, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Spruill and Young, of the House of Representatives.

Mr Walker having received a majority of all the votes given, was by Mr Speaker declared duly and constitutionally elected Solicitor for the Tenth Judicial Circuit, for the time prescribed by law.

The Senate then withdrew from the hall of the House and returned to the Senate chamber, Mr President resumed his Chair and the Senate proceeded to business.

Mr Turner offered the following resolution:

Resolved, That the committee on retrenchment be instructed to inquire into the propriety of reducing the pay of members of the Legislature.

Mr McConnell moved to amend the resolution by adding 'also reducing tavern rates for man and beast.'

Mr Turner moved to lay the amendment on the table, and the yeas and nays were called for on that question. Yeas 12 — Nays 17.

Yeas — Messrs Alston, Dent, Farrar, King, Lea, McVay, Phillips, Reese, Terry, Thornton, Turner and Wilson of J.

Nays — Messrs President, Address, Buford, Clarke, Creagh, Hall, Hudson, Lloyd, McAllister, McConnell, Oliver, Rice, Rodgers, Smith, Toulmin, Wilson of F. and Womack.

The Senate refused to lay the amendment on the table; the question was then taken on the adoption of the amendment, and the yeas and nays called for. Yeas 12 — Nays 17.

Yeas — Messrs Alston, Dent, Farrar, Lea, McVay, McConnell, Phillips, Reese, Terry, Thornton, Turner and Wilson of J.

Nays — Messrs President, Address, Buford, Clarke, Creagh, Hall, Hudson, King, Lloyd, McAllister, Oliver, Rice, Rodgers, Smith, Toulmin, Wilson of F. and Womack.

The amendment was lost. The resolution was then adopted.

On motion of Mr Phillips the Senate adjourned until to-morrow morning, ten o'clock.

Friday, November 20, 1840.

The Senate met pursuant to adjournment.

Mr Dent presented the account of R. W. Barber, jailor of Tuscaloosa county, the reading of which was, dispensed with, and on motion, referred to the committee on accounts and claims.

Mr McAllister presented the account of John B. Dickson, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Creagh presented the account of Joseph Black, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Address presented the account of the sheriff of Monroe county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Hudson, from the committee on federal relations, to which was referred a bill to be entitled an act to prevent disaffection among slaves, reported the same to the Senate, as inexpedient to pass the bill, inasmuch as the object of the bill is amply provided for in the criminal code, now before the Senate, and ask leave to be discharged from the consideration thereof.

On motion of Mr Terry, the report was laid on the table.

Mr Terry, from the committee on the State Bank, to which was referred a resolution inquiring into the expediency of changing the mode of electing bank officers, reported that it is inexpedient to legislate on the subject at this time, in which the concurrence of the Senate is asked. The Senate concurred.

Mr Terry, from the same committee to which was referred the report and accompanying document, of the President of the Branch of the Bank of the State of Alabama, at Montgomery, reported the same to the Senate and asked for the printing of forty copies of the same. The Senate concurred in the report, and the document was ordered to be printed.

Mr Terry, from the same committee to which was referred the report of the Cashier of the Branch of the Bank of the State of Alabama, at Huntsville, showing the indebtedness of the members of the General Assembly, to said institution, reported that it is expedient to print thirty-three copies of the same in which the Senate concurred, and thirty three copies ordered to be printed.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act to divorce Herod Seale from his wife Sarah Seale.

Mr Thornton, from the committee on the judiciary to which was referred a bill to be entitled an act to amend the law concerning judicial attachments, reported a substitute in lieu thereof.

Mr Rice moved to amend the amendment by striking out the words 'a reasonable time,' the Senate refused to strike out; the amendment as proposed by the committee, was adopted and the bill ordered to be engrossed for a third reading.

Mr Thornton, from the same committee to which was referred a bill to provide for the recording testimony on granting continuances, reported that it is not expedient to enact the provisions of said bill, in which the Senate concurred.

Mr Thornton, from the judiciary committee, to which was referred the resolution instructing them to inquire into the expediency of passing a law compensating jurors for their services, when attending on trials of the rights of property before justices of the peace, reported that it is inexpedient to pass a law allowing such compensation. The costs would in every case bear so great a proportion to the amount in dispute, that it would be better for the community to render the service gratuitously, than to impose the burden of such costs on the class of citizens who will be mostly affected by it; in which the Senate concurred.

Message from the House of Representatives, by Mr Phelan:

Mr President — The House of Representatives has passed a bill to compel the county treasurer of Jackson county to make a full and explicit exhibit of the finances of said county, in each and every year, and has also adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the hall of the House on Saturday next, twenty-first instant, for the purpose of electing a judge of the county court of Baldwin county; also a

judge for the county court of Covington county, in which the concurrence of the Senate is requested.

The message was on motion of Mr Terry, laid on the table.

Engrossed bill from the House of Representatives to be entitled, an act to compel the treasurer of Jackson county, to make a full and explicit exhibit of the finances of said county in each and every year, was read a first time, and ordered to a second reading.

Mr Thornton from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of making it the duty of the sheriff, to renew their bonds annually, reported that it is not expedient to alter the present law on the subject; the sheriff is now bound, on penalty of forfeiture of his office, to renew his bond annually, if required to do so by the county court. If the county court can be supposed to refuse to order a new bond, on application by any one concerned, where one ought to be required, the same motives which would induce the refusal, would induce the court to take insufficient security on the renewed bond.

In which the Senate concurred.

Mr Thornton from the same committee, to which was referred the resolution restricting them to inquire into the expediency of so altering the law, that in all cases before justices of the peace, where the amount in controversy, does not exceed twenty dollars, the parties may be allowed a trial by jury, to be summoned by order of the justice trying the cause, reported that it is not expedient to alter the law on that subject.

In which the Senate concurred.

Mr Thornton from the same committee, to which was referred the resolution instructing them to inquire into the propriety of allowing juries to magistrates' courts, reported that it is inexpedient to change the present system.

In which the Senate concurred.

Mr Thornton from the same committee, to which was referred the resolution instructing them to inquire into the expediency of changing the times of commencement of the circuit and county courts of this State, from Mondays to Wednesdays, reported that it is not expedient to make the change suggested by the resolution.

On motion of Mr Hudson, the report was ordered to lay on the table.

Mr Thornton from the same committee, to which was referred the resolution instructing them to inquire into the expediency of abolishing the tenth judicial circuit, reported that it is inexpedient to abolish the said judicial circuit.

In which the Senate concurred.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law exempting the property of females, from sale for the payment of debts contracted by their husbands, previous to marriage, reported that it was not expedient to pass such a law.

The report was, on motion of Mr Alston, laid on the table.

Mr Clarke presented the account of Spartan Allen, of Benton county, the reading of which was dispensed with. On motion, it was referred to the committee on accounts and claims.

Mr Wilson of Jackson, presented the account of A. Riddle, the reading of which was dispensed with. On motion, it was referred to the committee on accounts and claims.

Mr McAllister presented the account of Levin L. Ripper, the reading of which was dispensed with. On motion, it was referred to the committee on account and claims.

On motion of Mr Andress,

Resolved, That the judiciary committee be instructed to inquire into the expediency of allowing sheriffs pre diem, for their attendance upon the courts of chancery, in this State, and that they report by bill or otherwise.

Mr Lea from the committee on the judiciary, to which was referred a bill to be entitled, an act to prevent frauds in the sale of land and negroes by sheriffs and other officers, with instructions to amend the same in several particulars, reported the bill back to the Senate, with sundry amendments as follows, to wit : after the word 'made' in the eleventh line of the first section, strike out the words 'for two weeks' and insert 'and if there be no paper in the county, then if the levy be made by a sheriff or coroner, master or commissioner in chancery, in the nearest one in any county in the State, giving preference to the one having the greatest circulation for three weeks, but in case the levy is made by the constable on negroes, he shall advertise as now prescribed by law, and if there be a newspaper in his county, then to advertise as aforesaid, for two weeks ;' with these amendments the committee recommend the passage of the bill.

On motion of Mr Reese, the words ' in any county in the State' were stricken out from the amendment proposed by the committee : the amendments of the committee were then adopted : the bill read a second time, and ordered to be engrossed for a third reading.

Mr Wilson of Jackson, from the select committee, to which was referred a bill to be entitled, an act to authorize justices of the peace to appoint overseers of the public roads, in certain cases, reported a substitute and recommended its passage.

The substitute proposed by the committee was adopted.

A bill to be entitled, and act to amend the laws on the subject of the public roads, was read a third time and passed the Senate. Ordered, that the title remain unchanged.

Mr Lea introduced a bill regulating the mode of collecting costs accruing in the supreme court : which was read a first time, and ordered to a second reading.

On motion of Mr Terry,

Resolved, That the Senate, with the concurrence of the House of Representatives, will assemble in the Hall of the House on Saturday, the twenty-first instant, at twelve o'clock noon, for the purpose of electing a trustee to the University of Alabama, to fill the vacancy occasioned by the resignation of William Richardson, of the fourth judicial circuit.

Mr. McAllister presented the account of Josiah Jones, the reading of which was dispensed with. On motion, it was referred to the committee on accounts and claims.

On motion of Mr Reese, an engrossed bill from the House of Representatives, for the relief of Louisa Stewart, was ordered to be taken from the table and read the third time, the question being upon its passage, the yeas and nays were called for. Yeas 16 — Nays 10.

Yeas — Messrs President, Buford, Clarke, Dent, King, Lea, Lloyd, McAllister, McVay, Oliver, Phillips, Reese, Rice, Toulmin, Wilson of J. and Womack.

Nays — Messrs Alston, Address, Creagh, Farrar, Hudson, Rodgers, Smith, Terry, Thornton, Turner, and Wilson of F.

The bill passed, and ordered that the title be as above.

On motion of Mr Clarke, Mr Smith was added to the committee on county boundaries.

On motion of Mr Rice, Mr Lea was added to the committee on education.

Mr Terry asked and obtained leave of absence for Mr Hall, until Friday next.

On motion of Mr Dent, the report made upon the claim of R. T. Clyde, for furniture furnished the register's office of the chancery court, of the fifth, chancery district, was taken from the tale : the question was on concurring in the report of the committee ; which was refusing to allow the account : the Senate refused to concur. The report was, on motion of Mr McVay, laid on the table.

On motion of Mr Turner, the vote ordering a bill to be entitled, an act for the better regulation of the State printing, and altering the mode of paying for the same, to be engrossed and read a third time, was reconsidered : the question was then upon ordering the bill to be engrossed for a third reading.

On motion of Mr Turner, the bill was referred to a select committee, consisting of Messrs Turner, Dent, and Terry.

The Senate then took up the orders of day.

A bill to be entitled, an act to alter and amend the law respecting dower, was read a second time, and ordered, to be engrossed for a third reading.

Engrossed bill from the House of Representatives, to be entitled, an act for the relief of Thomas s. Bibb, of Lawrence county, was read a third time.

On motion of Mr Terry, the bill was referred to the committee on roads, bridges and ferries.

On motion of Reese, the engrossed bill from the House of Representatives, to be entitled, an act for the relief of Sarah a. Harris, was taken from the table and received its third reading, and on its passage the yeas and nays were called for. Yeas 9 — Nays 16.

YEAS — Messrs Buford, Clarke, King, McAllister, McVay, Phillips, Reese, Rice, and Toulmin.

NAYS — Messrs President, Alston, Address, Creagh, Dent, Farrar, Hudson, Lea, Lloyd, Oliver, Rodgers, Smith, Terry, Thornton, Turner, and Wilson of F.

The bill was lost.

Mr Terry from the committee on the State Bank, to which was referred a bill to be entitled, an act for the better securing of notes to be discounted, and to prevent the discounting of insolvent paper, by the Bank and Branches of the State of Alabama, reported a substitute to be entitled, an act in relation to the recommendation of paper for purchase or discount, to the Bank of the State of Alabama, and its several Branches, the substitute proposed by the committee was adopted : the bill was read a second time, ordered to be engrossed for a third reading.

Mr President laid before the Senate a communication from J. C Van Dyke, Comptroller of Public Accounts, transmitting the interrogatories propounded by him to the Alabama Life Insurance Company, pursuant to the provisions of the nineteenth section of their charter, together with the report of the trustees of said company, in reply.

The documents accompanying the communication, were, on motion of Mr Dent, laid on the table.

On motion of Mr Dent, the Senate adjourned until to-morrow morning ten o'clock.

SATURDAY, November 21st, 1840.

The Senate met pursuant to adjournment.

Mr Clarke presented a petition from sundry citizens of Benton county, the reading of which was dispensed with. On motion, it was referred to the committee on military affairs.

Mr Creagh presented the account of Wm. McConnell, returning officer of Clarke county, the reading of which was dispensed with. On motion, referred to the committee on accounts and claims.

Mr Oliver presented the petition of Wm. Taylor, the reading of which was dispensed with. On motion, it was referred to the committee on the State Bank.

Mr Oliver presented a petition from Abner McGehee, the reading of which was dispensed with. On motion, it was referred to the committee on the State Bank.

Mr Hudson asked and obtained leave of absence for Mr Jones, for an indefinite length of time.

Mr McVay from the committee on propositions and grievances, to which was referred a bill to be entitled, an act to amend an act entitled an act, the better to regulate the taxing of pedlers and shows, reported that it is inexpedient to pass said bill, and asked to be discharged from the further consideration of the same.

On motion of Mr Turner, it was laid on the table.

Mr Smith, from the committee on enrolled bills, reported that they had examined and find correctly enrolled, bills of the following titles :

A bill to be entitled, an act to appropriate the surplus funds in the county treasury of St. Clair county.

A bill to be entitled, an act to repeal in part an act to regulate the proceedings of the court, and the compensation of witnesses in the counties of Lowndes, Talladega, Butlers and others, approved, January 9th, 1840.

On motion of Mr Terry, the vote upon the passage of a bill to be entitled, an act for the relief of Sarah A. Harris, was reconsidered.

On motion of Mr Terry, the bill was laid on the table.

Mr Reese from the committee on retrenchment, to which was referred a bill to divorce Caroline Butts from her husband George W. Butts, asked leave to be discharged from the further consideration thereof : the Senate refused to discharge the committee.

The Senate then proceeded to the orders of the day.

Engrossed bill to be entitled, an act to amend the law concerning judicial attachments, was read a third time, and passed the Senate. Ordered, that its title remain unchanged.

Engrossed bill from the House of Representatives, to be entitled, an act to compel the treasurer of Jackson county to make a full and explicit exhibit of the finances of said county, in each and every year, was read a third time.

On motion of Mr Wilson of J. it was referred to a select committee, consisting of Messrs Wilson of J. Hudson, and Turner.

Engrossed bill to be entitled, an act to prevent frauds in the sale of land and negroes, by sheriffs and other officers, was read a third time, and passed the Senate. Ordered, that its title remain unchanged.

A bill to be entitled, an act regulating the mode of collecting costs, accruing in the supreme court, was read a third time.

On motion of Mr Lea, it was referred to the committee on the judiciary.

Engrossed bill to be entitled, an act to alter and amend the law respecting dower, was read the third time, and passed the Senate. Ordered, that its title remain unchanged.

Engrossed bill to be entitled, an act in relation to the recommendation of paper for purchase or discount to the Bank of the State and its Branches, was read the third time and passed the Senate. Ordered, that its title remain unchanged.

This finished the orders of the day.

Mr Lea from the committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of passing a law granting a stay for a limited time, on executions, reported a bill upon the subject of the following title :

A bill to be entitled, an act to authorize a stay of execution in certain cases ; which was read a first time, and ordered to a second reading.

Mr Phillips from the select committee to whom was referred a bill to be entitled, an act to change the time of holding the circuit courts in the second judicial circuit, reported the same to the Senate amended, as therein shown, and recommended its passage.

The amendments were adopted, and the bill was then read a second time, and ordered to be engrossed for a reading.

Message from the House of Representatives, by Mr Phelan :

Mr President— The House of Representatives have concurred in the resolution of the Senate, proposing that the two Houses assemble in the Hall of the House, this day at twelve o'clock, for the purpose of electing a trustee for the University, to fill the vacancy occasioned by the resignation of William Richardson, Esq.

The House has also passed bills of the following titles :

An act to authorize the election of an assessor and tax collector for the county of Benton :

An act to change the name of John Chesley and Catherine Rodgers, and to make them lawful heirs of John G. Tart, of Monroe county :

An act to repeal in part an act incorporating the city of Wetumpka ; which originated in the Senate.

The House also passed bills of the following titles, which originated in the House :

An act to attach a part of Morgan county to the county of Marshall :

An act making appropriations for the payment of certain claims against the State, and

An act to authorize the tax collector and clerk of the county court of Tallapoosa county, to receive in payment of public dues, certain certificates therein named :

The amendments made by the Senate to the bill to locate the seat of justice of Marion county, have been concurred in by the House.

Engrossed bill from the House of Representatives to be entitled an act to attach a part of Morgan county to the county of Marshall, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives to be entitled an act

making appropriations for the payment of certain claims against the State, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives to be entitled an act to authorize the tax collector and clerk of the county court of Tallapoosa county, to receive in payment of public dues, certain certificates therein, named, was read a first time and ordered to a second reading.

On motion of Mr Terry, a message from the House of Representatives, was ordered to be taken from the table, proposing that the two Houses assemble in Hall of the House, on Saturday the 21st inst. to go into the election of a judge of the county court of Baldwin county, and a judge of the county court of Covington county.

On motion of Mr Creagh, the message was amended by striking out 'judge of the county court of Baldwin county.'

The concurrence of the Senate was then taken on the motion of the House, as amended ; which was carried.

On motion of Mr Smith,

Resolved, That the committee on retrenchment, be instructed to inquire into the expediency of reducing the number of the trustees of the University of Alabama, with leave to report by bill or otherwise.

Mr Buford presented the account of Duncan McRay, and also the account of John McRae ; the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr McAllister presented the account of Young Mann, sheriff of Henry county ; the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Reese, from the committee on retrenchment, to whom was referred a bill to divorce Caroline Butts from her husband George W. Butts, reported it back to the Senate, and recommended its passage. The bill was then read a third time and passed. Ordered, that its title be as above.

On motion of Mr Philips,

Resolved, That the committee on the State Bank inquire into the expediency of so altering the law, that protest and notice shall not be necessary to secure the liabilities of makers of promissory notes, and acceptors of bills of exchange, when the same belong to the State Bank and Branches.

Mr Andress presented the account of the sheriff of Conecuh county ; which was referred to the committee on accounts and claims.

Message from the House of Representatives by Mr Phelan :

Mr President — The House of Representatives refused to concur in the amendment made by the Senate to their resolution proposing to go into the election of judges for the county courts of Baldwin and Covington counties, this day at twelve o'clock.

The Senate insisted on its amendment to the resolution of the House, and information of their insisting, was communicated forthwith.

On motion of Alston,

Resolved, That the committee on the State Bank be instructed to inquire into the propriety of requiring the President and Directors of the several banks of this State, to remit all interest and charges, on notes where the money has not been taken from bank, and that the said president and directors shall write out in full the names of every member of the Legislature, and their securities, in their report of their liabilities.

Message from the House of Representatives, by Mr Phelan :

Mr President —The House of Representatives recedes from its disagreement to the amendment made by the Senate to the resolution proposing to elect judges for the counties of Baldwin and Covington, this day at twelve o'clock, and I am instructed to invite the Senate into the Hall of the House, for the purpose of electing a judge of the county court of Covington, and a trustee for the fourth judicial circuit.

The Senate repaired to the Hall of the House, were seated : Mr President announced the object of the meeting of the two Houses to elect a trustee of the University of Alabama for the fourth judicial circuit, and a county court judge for Covington county.

The two Houses then proceeded to the election of a Trustee of the University of the State of Alabama, for the fourth judicial circuit — EGBERT J. JONES alone being in nomination, and having received one hundred and eight votes, being all the votes given, Mr speaker declared him duly elected a Trustee of the University of the State Alabama, to fill the vacancy occasioned by the resignation of Wm. Richardson.

The two Houses then proceeded to the election of a judge of the county court, for the county of Covington — STEPHEN GANEY AND GEORGE A. SNOWDEN, being in nomination.

Those who voted for Mr GANEY , are Messrs President, Clarke, Creagh, Farrar, Hudson, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate ; Messrs Speaker, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of A., Davis of L., Dixon, Douglass, Fowler, Griffin of M. Hale, Hill, Hughs, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J. Smith of L. Strode, walker of B. walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.

Those who voted for Mr SNOWDEN, are Messrs Alston, Andress, Buford, Dent, King, Lea, Oliver, Phillips and Womack, of the Senate ; Ashurst, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Houston, Hunter, Inge, Jemison, Jones, Kidd, Little, Mangum, Mann, McCoy, McLemore, Mitchell, Moores, Norris, Norwood, Prince, Seawell, Shanks, Stone and Young, to the House of Representatives.

Mr GANEY having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Covington county, for the term prescribed by law.

The Senate then withdrew from the Hall of the House, and returned to the Senate Chamber, Mr President resumed his Chair, and on motion of Mr King, the Senate adjourned until Monday morning, ten o'clock.

MONDAY, November 23, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate the annual report of the adjutant and inspector general of the State. On motion of Mr Dent, it was referred to the committee on military affairs.

Mr Hudson presented the account of Anderson Bean, the later sheriff, Joseph T. Cook, the present sheriff of Franklin county, and Samuel Stephens,

jailor of said county ; all of which were referred to the committee on accounts and claims.

Mr Rice presented the memorial of Benjamin Sherrod, M. Farrar and David Goodloe ; the reading of which was dispensed with, and on motion, referred to the committee on the State Bank.

Mr Turner presented the petition of the officers of the thirteenth brigade, fifth division of Alabama militia ; the reading of which was dispensed with, and on motion, referred to the committee on military affairs.

Mr Hudson, from the committee on accounts and claims, to which was referred the claim of John B. Dickson, reported the same to the senate as being unjust, an ought not to be allowed, and asked to be discharged from the further consideration thereof ; in which the Senate concurred.

Mr Hudson, from the same committee, to which was referred the claim of Young Mann, sheriff of Henry county, reported the same to the Senate, as not being in their opinion chargeable upon the State, but as properly a county charge, they therefore asked to be discharged from the further consideration of the same ; in which the Senate concurred.

Mr Hudson, from the same committee, to which was referred the claim of Edward T. Broughton, sheriff of Monroe county, for attendance on the chancery court, reported the same back to the Senate as not being chargeable upon the State treasury, and asked to be discharged from the further consideration of the same. On motion of Mr Andress, the report was laid upon the table.

Mr Hudson, from the same committee, to whom was referred the claim of Spartan Allen, of Benton county, asking pay for a horse lost whilst engaged in the service of the United States, in the last Creek war, reported the same to the Senate as being improperly referred, and asked leave to be discharged from the further consideration thereof ; in which the Senate concurred. On motion of Mr Clarke, the account was referred to the committee on Indian expenditures.

Mr. Rice, from the committee on the judiciary, to which was referred an engrossed bill from the House of Representatives, entitled an act for the relief of Africa Roundtree, reported the same back to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Thornton, from the committee on the judiciary, to which was referred an act regulating punishments under the penitentiary system, reported the same back to the Senate, and recommended the following amendments, to wit : that the twenty-eighth section of the fourteenth chapter be stricken out, — that there be added the following section at the end of the fourteenth chapter.

"Section 28. And be it further enacted, That it shall be the duty of the commissioners of the Penitentiary to report to the Governor of the State of Alabama, when the penitentiary building shall be ready for the reception of convicts, and that thereupon proclamation be made to the Governor of that fact ; and that from and after the date of said proclamation, this act shall be in full force and effect : Provided, that all offences committed prior to the date of said proclamation, be proceeded against and punished as heretofore : And, provided further, that all laws and parts of laws coming in conflict with the provisions of this act be, and the same are hereby repealed, except as to any crime or punishment, not enumerated, or provided for by this bill."

On motion of Mr Lea, the amendment was laid upon the table. The bill was placed among the orders of the day.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit :

A bill to be entitled an act to authorize the election of assessors and tax collectors for the county of Benton :

A bill to be entitled an act to repeal in part an act incorporating the city of Wetumpka :

A bill to be entitled an act to change the name of John Chesley and Catharine Rodgers, and to make them lawful heirs of John G. Tart, of Monroe county :

Mr McAlister, from the committee on Indian expenditures, to which was referred a bill to be entitled an act allowing compensation to certain persons therein named, reported the same back to the Senate as inexpedient to legislate upon, and asked leave to be discharged from the further consideration thereof. On motion of Mr Lea, the report, together with the bill, was laid upon the table.

Mr McAllister, from the same committee, to which was referred a bill to be entitled an act to amend a certain act therein named, reported the same back to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Philips introduced a bill to be entitled an act for the relief of Thomas Casey and others ; which was read a first time and ordered to a second reading.

Mr McConnell introduced a bill to be entitled an act concerning a certain turnpike road therein named ; which was read a first time and ordered to a second reading.

Mr Alston introduced a bill to be entitled an act to amend an act for the collection of taxes in the county of Marengo ; which was read a first time and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act for the relief of Mary E. Reynolds ; which was read a first time and ordered to a second reading.

Mr McAllister introduced a bill to be entitled an act to compensate the commissioners of revenue and roads in the county of Dale ; which was read a first time and ordered to a second reading.

Mr Dent offered the following resolution :

Resolved, That the judiciary committee be instructed to inquire into the expediency of so altering the law as to prevent branch executions issuing, so as to prevent the property of principals and securities to be sold to pay the same executions, at the same time, as is now allowed by law, with leave to report by bill or otherwise ; which was adopted.

On motion of Mr Turner,

Resolved, That the committee on education be instructed to inquire into the expediency of making final settlement with B. F. Porter, the present attorney for the University of Alabama, and report the same to the Senate at as early a day as practicable.

Mr Reese offered the following joint resolution :

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Comptroller of Public Accounts be authorized and required to proceed to Washington city for the purpose of urging and collecting all claims upon the government of the United States, growing out of the late Indian disturbances in this State, embracing claims already allowed by the State, as well as all claims now before the Legis-

lature, and not yet allowed in the full, with full power to receipt and adjust the same ; and that the sum of one thousand dollars be allowed to said Comptroller for the above services ; which was read a first time, the constitutional rule requiring bills and joint resolutions to be read on three several days, was dispensed with, and the resolution was read a second time forthwith. On motion of Mr Reese, it was referred to the committee on federal relations

On motion of Mr Hudson,

Resolved, That the committee on roads, bridges and ferries, be instructed to inquire into the expediency of so altering and amending the present law regulating the payment of claims of the overseers of roads, for measuring the same and putting up mile posts thereon, so as to compel the county treasurer to pay tem out of the county treasury, as other claims are paid, as well those that have hitherto been presented, as those that may hereafter be presented, and that they have leave to report by bill or otherwise.

Mr Toulmin introduced a bill to be entitled on act in relation to descents and for other purposes ; which was read a first time and ordered to a second reading.

Mr Cottrell introduced a bill to be entitled an act to prevent frauds in elections ; which was read a first time, and ordered to a second reading.

Mr Cottrell introduced a bill to be entitled an act declaring certain deeds fraudulent and void ; which was read a first time and ordered to a second reading.

On motion of Mr McConnell,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of passing a law, providing for what is called the suspended debt of the Bank of the State and its several Branches, with such provisions as may be best calculated to produce that object, with leave to report by bill or otherwise.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit :

An act to change the mode of assessing and collecting the taxes of Pike county :

An act for the relief of Louisa Stewart, of Randolph county.

On motion of Mr Smith,

Resolved, That the committee on propositions and grievances be instructed to inquire into the expediency of adopting such means as will insure the furnishing those counties which have not hitherto been furnished with weights and measures.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act to authorize a stay of execution in certain cases, was read a second time. On motion of Mr Phillips, it was referred to the committee on the judiciary.

Engrossed bill to be entitled an act to change the times of holding the courts of the second judicial circuit, was read a third time and passed the Senate. Ordered, that the title remain unchanged.

Engrossed bill from the House of Representatives, to be entitled an act to attach a part of the county of Morgan to the county of Marshall, was read a second time. On motion of Mr Rice, it was referred to the committee on county boundaries.

Engrossed bill from the House of Representatives, to be entitled an act making appropriations for the payment of certain claims against the State, was

read a second time. On motion of Mr Hudson, it was referred to the committee on Accounts and claims.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the tax collector and clerk of the county court of Tallapoosa county to receive in payment of public dues, certain certificates therein named, was read a second time. On motion of Mr Hudson, it was referred to a select committee, consisting of Messrs Daily, Hudson and Rodgers.

Engrossed bill from the House of Representatives, to be entitled an act for the relief of Africa Roundtree, was read a second time, and the Senate refused to order it to a third reading.

A bill to be entitled an act regulating punishments under the penitentiary system, being on its second reading.

Mr Dent moved to amend the same by striking out the word 'December' and insert in lieu thereof, the word 'November,' in the fifteenth section ; which was lost.

On motion of Mr Alston, the fifty-fourth section was amended by inserting 'of,' after the word 'color;' and on motion of Mr Phillips, the same section was amended, by inserting the words 'his or her,' after the word 'of.'

Mr Creagh moved to strike out the seventy-fourth section, upon which the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Andress, Buford, Clarke, Creagh, Farrar, Lea, McAllister, McVay, Oliver, Reese, Rodgers, Smith, Terry and Toulmin — 14.

Those who voted in the negative, are Messrs President, Alston, Dent, Hudson, Lloyd, Phillips, Rice, Thornton, Turner, Wilson of F. Wilson of J. and Womack — 12.

The motion to strike out prevailed.

Mr Creagh moved to amend the seventy-eighth section, by striking out the word 'ten ;' which was lost.

On motion of Mr Lea, the eighty-third section was amended by adding the words 'if required so to do, by the person having such convict in custody,' to come in after the word 'court.'

On motion of Mr Hudson, the further consideration of the bill was postponed until to-morrow at eleven o'clock, and made the special order for that time.

Mr Reese offered the following joint resolution :

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Comptroller of Public Accounts, be requested to procure from the War Department, an exact account for which Congress, at the last session, appropriated to Hart & Bosworth, merchants of Irwinton, Alabama, and of John Hart, merchant at the same place, a sum not to exceed three thousand three hundred and eleven dollars and ninety cents, and to lay the same before the Legislature, as soon as possible.

Which was adopted.

Mr Andress presented the account of E. T. Broughton of Monroe county, the reading of which was dispensed with, and referred to the committee on accounts and claims.

Mr Lloyd presented the petition of sundry citizens of Morgan county, praying that a portion of said county be attached to the county of Marshall the reading of which was dispensed with, and on motion, referred to the committee on county boundaries.

On motion of Mr Reese, the Senate then adjourned until to-morrow ten o'clock.

TUESDAY, November 24, 1840.

The Senate met pursuant to adjournment.

Mr Hudson moved to reconsider a vote refusing to order an engrossed bill from the House of Representatives, entitled an act for the relief of Africa Round-tree, of Morgan county, to a third reading ; which on motion of Mr Terry, was postponed until to-morrow morning ten o'clock.

Mr Wilson, of J. announced the death of George R. Griffin, Esq., a member of the House of Representatives from the county of Jackson, who departed this life since the last adjournment of the Senate, and submitted the following resolutions.

1st. Resolved, That the Senate deeply deplore the death of George R. Griffin, a member of the House of Representatives from Jackson county.

2d. Resolved, That we sympathize with his bereaved family, in the misfortune that has befallen them in this painful dispensation of Providence.

3d. Resolved, That we will attend the funeral rites of the deceased, and will wear the usual badge of mourning around the left arm for thirty days.

4th. Resolved, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the of the House of Representatives, to make the necessary funeral arrangements.

5th. Resolved, That the members of the Senate will meet in the Representative Hall at two o'clock P. M., to join in the funeral procession.

6th. Resolved, That the Senate will adjourn over until ten o'clock to-morrow.

Message from the House of Representatives by Mr Garrett.

Mr President — The House of Representatives has adopted the following resolutions :

1st. Resolved, That this House deeply deplore the sudden death of George R. Griffin, Esq., a member of this House from Jackson.

2d. Resolved, That we sympathize with his family in the misfortune that has befallen them in this painful dispensation of Providence.

3d. Resolved, That we will attend the funeral rites of the deceased, and will wear the usual badge of mourning around the left arm for thirty days.

4th. Resolved, That a committee be appointed on the part of the House to act with such committee as may be appointed on the part of the Senate to make the necessary funeral arrangements.

5th. Resolved, That the members of this House will meet in the Representative Hall, at two o'clock P. M., for the purpose of forming a funeral procession.

6th. Resolved, That the Speaker of the House transmit to the family of the deceased, a copy of these resolutions.

Messrs Williams, Clemens and Wynn, were appointed the committee on the part of the House.

The resolutions submitted by Mr Wilson, were then adopted, and Messrs Terry, Turner and Creagh appointed a committee on the part of the Senate.

WEDNESDAY, November 25, 1840.

The Senate met pursuant to adjournment.

Mr McAlister, presented the account of Young Mann, sheriff of Henry county, the reading of which was dispensed with and referred to the committee on accounts and claims.

Mr Clarke presented the account of E. A. Hooper and James N. Hayden, the reading of which was dispensed with and referred to the committee on accounts and claims.

Mr Wilson of F., from the committee on privileges and elections, to which was referred various resolutions in relation to establishing and abolishing certain election precincts, reported a bill and recommended its passage, to wit:

A bill to be entitled an act, to establish and abolish certain election precincts therein named; which was read a first time and ordered to a second reading.

Mr McVay, from the committee on propositions and grievances, to which was referred a resolution instructing them to inquire into the expediency of adopting such means as will ensure the furnishing those counties, which have not heretofore been furnished, with weights and measures, reported that they have received information upon which they can rely, that the weights and measures sought to be obtained by the resolution referred to, are now in Mobile and will be forwarded to those counties as early as practicable, and asked to be discharged from the further consideration thereof, in which the Senate concurred.

Mr Oliver introduced a bill to be entitled an act to incorporate the Prairie Invincibles; which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days, being dispensed with, it was read a second time, and on motion of Mr. Oliver, referred to the committee on military affairs.

Mr Rice introduced a bill to be entitled an act to authorize the settlers on any portion of the four hundred thousand acres of land given by Congress for the purpose of improving the navigation of the Tennessee, Coosa and Black Rivers, to enter the same; which was read a first time; the constitutional rule being dispensed with, was read a second time, and on motion of Mr Rice, referred to the committee on internal improvement and inland navigation.

Mr Rice was added to the committee on internal improvement and inland navigation.

Mr Toulmin introduced a bill to be entitled an act to fix the salary of the Solicitor of the tenth judicial circuit; which was read a first time.

Mr McConnell moved to lay the bill on the table; which was lost.

The constitutional rule being dispensed with, the bill was read a second time and on motion of Mr Toulmin, referred to the committee on the Judiciary.

Mr Lee introduced a bill to be entitled an act to change the times of holding the circuit courts in the first judicial circuit; which was read a first time and ordered to a second reading.

On motion of Mr Rice, a bill to be entitled an act to alter the times of holding the circuit courts of Morgan county and extending the term thereof and for other purposes, was ordered to be taken from the table, the bill was read a second time.

On motion of Mr Rice, it was referred to a select committee consisting of Messrs Rice, Terry and Wilson of Jackson.

Mr Dent moved to take from the table the account of Robert T. Clyde; which on motion of Mr Dent, was referred to the committee on accounts and claims, with instructions to report a bill allowing the same, if in their opinion the account is just.

Mr Turner presented the account of Richard Whiting, which was referred to the committee on accounts and claims.

On motion of Mr Reese,

Resolved, That the committee on education inquire into the expediency of defining by law at what age students shall be admitted to schools established under the late law in aid of valueless sixteenth sections.

Mr Smith introduced a bill to be entitled an act to extend the jurisdiction of justices of the peace in certain cases; which was read a first time and ordered to a second reading.

The Senate then proceeded to the consideration of the act regulating punishment under the penitentiary system, that being the special order of the day.

Mr Rice moved to strike out the words 'or meditated,' in the second chapter whenever they occur; which was lost.

Mr Terry moved to strike out the thirteenth section of the third chapter, upon which motion the yeas and nays were demanded.

Those who voted in the affirmative are Messrs Creagh, McAllister, McConnell, Phillips, Terry and Thornton — 6.

Those who voted in the negative are Messrs President, Address, Clarke, Dent, Farrar, Hudson, Lea, Lloyd, McVay, Oliver, Rice, Rodgers, Ross, Smith, Toulmin, Turner, Wilson of F, Wilson of J., and Womack — 19.
So the motion to strike out was lost.

Mr Address moved to strike out all after the word 'violence' where it occurs in the first line, of the thirteenth section, in the third chapter to the word 'give' in the second line of the same chapter and section; which was lost.

Mr McConnell moved to strike out the word 'seven' where it occurs in the last line of the thirteenth section, of the third chapter, and insert in lieu thereof the word 'two' which was lost.

Mr Lea moved to strike out the words 'not exceeding twenty' where they occur in the same line, of the thirteenth section, third chapter; which was lost.

On motion of Mr Lea the words 'not exceeding five,' in the thirty-first section of the third chapter, and the last line in said chapter were stricken out, and the words 'not less than two' inserted in lieu thereof.

Mr Terry moved to strike out the thirty-fourth section of the third chapter, upon which the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Buford, Creagh, Lea, McConnell, Oliver, Phillips, Smith, Terry and Turner.

Those who voted in the negative, are Messrs President, Alston, Address, Clarke, Dent, Farrar, Hudson, McAllister, McVay, Rice, Rodgers, Ross, Thornton, Wilson of F. and Womack.

So the motion did not prevail.

Mr Creagh moved to strike out the words 'of ten' in the fourth and fifth lines in the first section in the fourth chapter; which was lost.

Mr Rice moved to strike out the second section of the fourth chapter of the bill; which was lost.

Mr Creagh moved to strike out the word 'five' where it occurs in the second line of the fifth section of the fourth chapter; which was lost.

Mr Turner moved to strike out all after the words 'disfiguring,' where it occurs in the last line of the sixth section of the fourth chapter, with a view of inserting an amendment.

Mr Buford called for a division of the question; which was first taken on striking out: upon which the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Clarke, Creagh, Dent, Lea, Lloyd, McAllister, Oliver, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Turner, and Womack — 19.

Those who voted in the negative, are Messrs President, Farrar, Hudson, McVay, Reese, Toulmin, Wilson of F. and Wilson of J. — 8.

The amendment was stricken out, and the following inserted in lieu thereof, to wit: 'and imprisoned in the county jail not exceeding six months, one or both, at the discretion of the jury trying the offence.'

Mr Lea moved to amend by inserting after the word 'seven' in the second line of the fifteen section, of the fourth chapter, the following: 'or the service of the person having legal possession of such slave.'

On motion of Mr Lea, the word 'his' in the first line of the twenty-seventh section of the fourth chapter, was stricken out, and 'a,' inserted in lieu thereof.

On motion of Mr Hudson, the further consideration of the bill was postponed until to-morrow morning ten o'clock.

A message was received from His Excellency the Governor, by his private secretary:

Executive Department,
Tuscaloosa, November 25, 1840.

Mr President — I am instructed by the Governor to inform your honorable body, that he has this day approved and signed bills of the following titles, to wit:

An bill to be entitled an act to change the times of holding the county court of Marengo county:

A bill to be entitled an act to change the names of John Chesley and Catharine Rodgers, and to make them the lawful heirs of John G. Tart, of Monroe county:

A bill to be entitled an act to authorize the election of an assessor and tax collector for the county of Benton: and

A bill to be entitled an act to repeal in part an act incorporating the city of Wetumpka.

All of which originated in the Senate.

Mr Smith from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

An act to authorize the election of a tax collector for the county of Russell:

An act to divorce Sarah Jones from her husband Jonathan Jones:

An act to authorize the judge of the county court and commissioners of roads and revenue, to assess and collect a tax to defray county claims, in the county of Randolph.

Mr Buford presented the account of Harrison F. Bozzell, the reading of which was dispensed with, and on motion, referred to the committee on accounts.

Mr Thornton presented the account of Wm. F. Pearce, the reading of which was dispensed with, and on motion, referred tot he committee on accounts.

Mr Wilson from the select committee to which was referred a bill to be entitled an act to compel the treasurer of Jackson county to make a full and explicit exhibit of the finances of said county, reported that they had amend-

ed the same by striking out the second section, in which amendment the Senate concurred.

On motion of Mr Terry, the word 'Jackson' was stricken out, and the words 'each and every' inserted in lieu thereof.

The bill was then recommitted, on motion of Mr Creagh, to the same committee, with instructions.

Mr Alston from the committee on divorce and alimony, to which was referred an engrossed bill from the House of Representatives, to divorce Sarah Welsh from her husband Dennis R. Welsh, reported that it was inexpedient to pass the bill — which was placed among the orders of the day.

On motion of Mr McVay, the Senate adjourned till ten o'clock to-morrow morning.

Wednesday, November 20th, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate a document in relation to the contested election from the county of Sumter.

On motion of Mr Hudson, it was referred to the committee on privileges and elections.

Mr Ross presented the account of Hiram Raybourn, jailor of Wilcox county, which was referred to the committee on accounts.

Mr Phillips from the committee on the judiciary, to which was referred a bill to be entitled an act regulating the mode of collecting costs accruing in the Supreme Court, reported the same to the Senate with the following amendment, to come in at the end of the fifth section : "Provided, That the plaintiff in execution shall in no case be liable for the costs of the motion when unsuccessful, but in that event they shall be paid by the clerk," in which the Senate concurred.

The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr Reese from the committee on retrenchment, to which was referred a resolution instructing them to inquire into the propriety of reducing the number of Trustees of the University of Alabama, reported that they are of opinion that the number is unnecessarily large, and ought to be reduced; but as they have been recently elected to serve a number of years, and no action of this House could deprive them of their seats, during the time for which they were elected, the committee are of opinion that it is unnecessary now to legislate upon the subject, and asked to be discharged from the further consideration of the subject.

The report was, on motion of Mr Terry, laid on the table.

Mr McConnell from the committee on county boundaries, to which was referred an engrossed bill from the House of Representatives, entitled an act to attach a part of the county of Morgan to the county of Marshall, reported the same to the Senate without amendment, and recommended its passage; which was placed among the orders of the day.

Mr Smith introduced a bill to be entitled an act to authorize the election of an assessor and tax collector for the county of Cherokee, which was read and ordered to a second reading.

On motion of Mr Farrar, Mr Clarke was added to the committee on county boundaries.

Mr Rice asked and obtained leave of absence for Mr Wilson of F. until Monday next.

Mr Smith presented the petition of Burke and Lowry, which, on motion, was referred to the committee on Indian expenditures.

Mr Andress presented the petition of sundry citizens of Monroe county, the reading of which was dispensed with, and on motion, referred to the committee on propositions and grievances.

The Senate proceeded to the consideration of the orders of the day.

Engrossed bill from the House of Representatives to be entitled, an act for the relief of Africa Roundtree: the question was upon reconsidering the vote refusing to order the bill to a third reading; which prevailed. The question was then upon ordering the bill to a third reading, and the yeas and nays were demanded. Yeas 15 — Nays 10.

Yeas — Messrs Dent, Hudson, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Toulmin, and Womack.

Nays — Messrs President, Alston, Andress, Creagh, Farrar, Smith, Terry, Thornton, Turner, and Wilson of J.

The bill was ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled, an act to amend a certain act therein named, was read a second time, and ordered to a third reading.

A bill to be entitled, an act for the relief of Thomas Casey and others, was read a second time, and on the question of ordering it to be engrossed for a third reading, the yeas and nays were demanded.

Yeas — Messrs President, Buford, Creagh, Lea, Lloyd, McAllister, McConnell, Oliver, Phillips, Reese, Terry, Thornton, Toulmin, Turner, and Womack. — 15.

Nays — Messrs Clarke, Dent, Hudson, McVay, Rice, Rodgers, Ross, Smith, and Wilson of J. — 11.

The bill was ordered to be engrossed for a third reading.

A bill to be entitled, an act concerning a certain turnpike road therein named, was read a second time. On motion of Mr McConnell, it was referred to a select committee, consisting of Messrs McConnell, Smith, and Farrar.

A bill to be entitled, an act to amend an act, for the collection of taxes in the county of Marengo, was read a second time. On motion of Mr Alston, it was referred to the committee on the judiciary.

A bill to be entitled, an act for the relief of Mary E. Reynolds, of the county of Mobile, was read a second time. On motion of Mr Toulmin, it was referred to the committee on the judiciary.

A bill to be entitled, an act to compensate the commissioners' of roads and revenue, in the county of Dale, and for other purposes, was read as second time. On motion of Mr Hudson, it was referred to the committee on roads, bridges, and ferries.

A bill to be entitled, an act in relation to descents, was read a second time. On motion of Mr Creagh, it was referred to the committee on the judiciary.

A bill to be entitled, an act to prevent frauds in elections, was read a second time. On motion of Mr Terry, it was referred to the committee on privileges and elections.

A bill to be entitled, an act declaring certain deeds fraudulent and void, was read a second time. On motion of Mr Hudson, it was referred to the committee on the judiciary.

Engrossed bill from the House of Representatives entitled, an act to divorce

Sarah Welsh from her husband Dennis R. Welsh, was read a second time, and the Senate refused to order it to a third reading.

A bill to be entitled, an act to abolish and establish certain elections precincts therein named, was read a second time. On motion of Mr Hudson, it was referred to the committee on privileges and elections.

A bill to be entitled , an act to alter and times of holding the circuit courts of the first judicial circuit, was read a second time. On motion of Mr Andress, it was referred to the Senators from the first judicial circuit.

A bill to be entitled an act to extend the jurisdiction of justices of the peace in certain cases, was read a second time. On motion of Mr Buford, it was referred to the committee on the judiciary.

Engrossed bill to be entitled , an act to attach a part of Morgan county to the county of Marshall, was read a second time.

Mr Terry moved the following amendment, to wit: strike out 'county' where it occurs, at the end of the third line, between 'Morgan and lying' insert 'or' between 'at' and 'near' in the sixth line, which was adopted. The bill was then ordered to a third reading.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles:

An act authorizing the erection of two township school houses, in town of Livingston, in Sumter county, amended as herein shown.

An act to repeal an act authorizing the sheriff of Blount county to serve process issued by justices of the peace.

An act excluding certain lands from the jurisdiction of the corporation of the town of Benton, in the county of Lowndes.

A joint memorial of the General Assembly to the Congress of the United States in relation to a land district in the Cherokee nation.

The House has also adopted the joint resolution in relation to the accounts of Hart and Bosworth, and John Hart; which originated in the Senate.

And a bill to divorce Gertrude Tankersly from her husband Richard Tankersly ; which originated in the House.

In all of which the concurrence of the Senate is requested.

The Senate concurred in the amendments made by the House to the bill to be entitled, an act authorizing the erection of two township school houses in the town of Livingston in Sumter county.

Engrossed bill from the House of Representatives to be entitled, an act to divorce Gertrude Tankersly from her husband Richard Tankersly, was read a first time, and ordered to a second reading.

Mr Reese from the committee on retrenchment , to which was referred a resolution inquiring into the expediency of reducing the pay of members of the Legislature , made the following report , to wit:

Your committee taking into consideration the embarrassed condition of the State , with the great depreciation in the price of her staple, with the abundance and cheapness of provisions , and the consequent cheapness of living ; not forgetting too, that it is not for the love of gain, but for the love of country alone that brings us annually to this capitol as members of this body; and believing that an example of economy and retrenchment (not reform) ought to take place; and that its force will not be lessened by its having originated in this body. Your committee , therefore begs to be considered sincere in their recommendation of the reduction of the pay of members , and ask leave to report a bill of the following title, to wit:

A bill to be entitled, an act to reduce the pay of the members of the General Assembly, hereafter elected; which was read a first time, and ordered to a second reading.

Mr Dent moved to reconsider the voted refusing to strike out the twelfth section in the third chapter, of the bill entitled, an act regulating punishments under the penitentiary system; which, on motion of Mr McConnell was postponed until to-morrow.

Mr Terry from the committee on the State Bank, to which was referred a resolution, instructing them to inquire into the expediency of a law requiring suits brought by the State Bank and Branches, to be instituted in the counties where the debtors respectively reside, reported that it is inexpedient to pass such a law.

On motion of Mr Smith, the report was laid on the table.

Mr Terry from the same committee, to which was referred a preamble and resolution requiring them to inquire into the expediency of the State Bank and the several Branches thereof, only calling in ten per cent, per annum, with interest; also, to inquire the expediency of allowing the debtors of the said Bank and Branches, to give personal security, or a lien on real or personal property; and further, to inquire into the expediency of allowing discretionary power to the directory in certain cases, reported that it is inexpedient to be legislated upon at this time, and asked leave to be discharged from the further consideration of the subject.

On motion of Mr Wilson of J. the report was laid on the table.

The Senate then took up the special order of the day, to wit:

A bill to be entitled, an act regulating punishments under the penitentiary system, being on its second reading.

Mr Creagh moved to amend the twenty-third section of said bill, by striking therefrom the word 'two' where it occurs in the last line of said section, upon which the yeas and nays were demanded. Yeas 13—Nays 11.

Those who voted in the affirmative, are Messrs Andress, Creagh, Farrar, Lea, McAllister, Phillips, Rodgers, Ross, Smith, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Alston, Dent, Hudson, Jones, Lloyd, McVay, Oliver, Rice and Terry. The motion was sustained.

Mr Andress moved to reconsider the voted striking out the word 'two,' upon which the yeas and nays were demanded. Yeas----Nays 12.

Those who voted in the affirmative are Messrs President, Alston, Andress, Buford, Clarke, Dent, Hudson, Jones, Lloyd, Oliver, Rice, Terry, and Womack.

Those who voted in the negative, are Messrs Creagh, Farrar, Lea, McAllister, McVay, Phillips, Rodgers, Ross, Smith, Toulmin, Turner and Wilson of J.

The voted was reconsidered.

Mr Creagh then asked and obtained leave to withdraw his amendment.

Mr Turner then moved to strike out the same word with a view of inserting 'not exceeding five.'

Mr Alston called for a division of the question; which was first taken on striking out and lost.

Mr Terry moved to amend the section by adding at the end thereof 'and imprisonment in the county jail not exceeding six months, on failure to pay the fine:' which was adopted.

Mr Rice moved to amend by inserting the words 'not exceeding' before the word 'two.'

Mr Dent moved to lay the amendment on the table, upon which the yeas and nays were demanded . Yeas 14, nays 12.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Clarke, Dent, Hudson, Jones. Lloyd, Oliver, Reese, Terry, Toulmin, Wilson of J. and Womack.

Those who voted in the negative , are Messrs Buford, Creagh, Farrar, Lea, McAllister, McVay, Phillips , Rice, Rodgers, Ross, Smith and Turner.

Laid upon the table.

Mr Turner moved to amend the twenty-eight section of the same bill by adding at the end thereof, ' unless it be with the consent of the defendant or defendants in execution expressed in writing ' ; which was lost.

Mr Turner moved to strike out the words 'not less than fifty' in the twenty ninth section.

Mr Terry moved to strike out the whole section ; which was lost.

The question then recurred on Mr Turner's motion ' which was also lost.

Mr Dent moved to adjourn until to-morrow morning ten o'clock ; which was lost.

Mr Buford moved to amend the twenty-ninth section by adding thereto 'and imprisonment in the county jail not exceeding six months.'

Mr Reese moved to lay the amendment on the table; which was lost.

The question then recurred on the adoption of the amendment, which prevailed.

Mr Turner moved to strike out the words 'or thing' in the second section of chapter six.

Mr Reese moved to lay the amendment on the table; which was carried.

On motion of Mr Turner, the words, 'or unheard of, ' in section five of chapter six, were stricken out.

Mr Turner moved the following amendment to come in at the end of the tenth section, to wit: 'Provided , there shall be in all such cases a charge or charges pending before the jury on which the persons thus summoned may be examined.

On motion of Mr Wilson of J. the amendment was laid on the table.

On motion of Mr Wilson of J. the Senate then adjourned until to-morrow morning ten o'clock.

FRIDAY, November 27, 1840.

The Senate met pursuant to adjournment.

Mr Smith from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, to wit:

An act to repeal an act authorizing the sheriff of Blount county to serve process issued by justices of the peace.

Joint resolution in relation to the appropriation by Congress to Hart & Bosworth and John Hart of Irwinton, Alabama.

An act excluding certain lands from the jurisdiction of the corporation of the town of Benton in the county of Lowndes.

Joint memorial to the Congress of the United States, in relation to a land district in the Cherokee Nation.

Mr Reese asked and obtained leave of absence for Mr Dent until Tuesday next.

Mr Andress asked and obtained leave of absence for Mr Buford for an indefinite period.

Mr Rice from the committee on education to which was referred a bill to be entitled an act to incorporate Central Seminary in the county of Autauga, re-

ported the same back to the Senate without amendment and recommended its passage: it was placed among the orders of the day.

Mr Wilson of J. , from the select committee to which was referred an engrossed bill from the House of Representatives entitled an act to compel the Treasurer of Jackson county to make a full and explicit exhibit of the finances of said county, reported that they had amended the same as therein shewn, in which the Senate concurred; the bill was then read a second time, and the constitutional rule being dispensed with, the bill was read the third time and passed the Senate.

Ordered that its title remain unchanged , to wit: a bill to be entitled an act to compel the county Treasurers to make a full and explicit exhibit of the finances of their respective counties , in each and every year.

On motion of Mr Rice,

Resolved, That during the balance of the session of the present General Assembly, that whenever the Senate adjourns, it shall adjourn to half after nine o'clock on the following day ; the resolution was ordered to lie over for one day.

On motion of Mr Lloyd,

Resolved, That the committee on privileges and elections, be instructed to inquire into the expediency of establishing an election precinct at the House of Desire Tillmam in the county of Dale , and also the expediency of abolishing the election precinct at Ott's mill in the county of Dale, and establishing in lieu thereof, one at the House of Benjamin Walden, in said county.

On motion of Mr Lloyd,

Resolved, That the committee on the State Bank and Branches be instructed to inquire into the expediency of passing a law, requiring the several Banks in this State to redeem their bills in specie , not exceeding one hundred dollars to any one individual, when it shall be satisfactorily made known to the board of directors that the same is intended for the purpose of entering land, with leave to report by bill or otherwise.

Mr Clarke introduced a bill to entitled an act to establish a board of physicians, in the town of Jacksonville; which was read a first time and ordered to a second reading.

Mr Reese introduced a bill to be entitled an act for the relief of Andrew J. Dozier: which was read a first time and ordered to a second reading.

On motion of Mr Smith,

Resolved , That the committee on the State Bank be instructed to inquire of the Cashier of the State Bank and the Cashiers of the several Branches thereof, what amount of monies have been paid by the several Banks to the different agents on account of services rendered by them in collecting any money whatever for the said bank or Banks; and that the said Cashier be required to furnish the information to the present General Assembly as soon as practicable, contemplated by this resolution.

Mr Lea from the committee on internal improvement and inland navigation. to which was referred a bill to be entitled an act to authorize the settlers on any portion of the four hundred thousand acres of land granted by Congress for the improvement of the navigation of the Tennessee, Coosa and Black Warrior rivers, to enter the same, reported the same to the Senate without amendment and recommended its passage ; which was placed among the orders of the day.

The Senate then took up the special order of the day , the Penitentiary Code, which on motion of Mr Hudson, was postponed for the present.

The Senate then proceeded to the general orders of the day.

Engrossed bill entitled an act regulating the mode of collecting costs, accruing in the Supreme court, was read the third time.

On motion of Mr Lea, it was referred to a select committee, consisting of Messrs Lea, Turner and Hudson.

A bill to be entitled an act to authorize the election of an assessor and tax collector for the county of Cherokee, was read a second time and ordered to be engrossed for a third reading.

Engrossed bill from the House of Representatives, to be entitled an act for the relief of Africa Roundtree, was read a third time, and on its passage the yeas and nays were called for. Yeas 15, Nays 13.

Those who voted in the affirmative, are Messrs Clarke, Hall, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Ross, Toulmin, Wilson of J. and Womack.

Those who voted in the negative are Messrs President, Alston, Address, Creagh, Farrar, Hudson, Jones, Lea, Rodgers, Terry, Smith, Thornton, and Turner.

The bill passed—ordered that its title remain unchanged.

Engrossed bill from the House of Representatives to be entitled an act to amend ascertain therein named, was read a third time and passed, ordered that its title remain unchanged.

Engrossed bill for the relief of Thomas Carey and others, was read the third time, and on the question of its passage, the yeas and nays were demanded.-- Yeas 14, Nays 12.

Those who voted in the affirmative, are Messrs Creagh, Hall, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Rice, Terry, Thornton, Toulmin, Turner and Womack.

Those who voted in the negative are Messrs President, Alston, Address, Clarke, Hudson, Jones, King, Lloyd, McVay, Rodgers, Ross and Wilson of J.

The bill passed—ordered that its title remain unchanged.

Engrossed bill from the House of Representatives to be entitled an act to attach a part of the county of Morgan to the county of Marshall, was read a third time and upon the question of its passage the yeas and nays were demanded. Yeas 24—Nays 2.

Those who voted in the affirmative are Messrs President, Address, Creagh, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are Messrs Rice and Ross.

The bill passed.

On motion of Mr Lea the orders of the day were suspended.

Mr Lea, from the select committee, to which was referred an engrossed bill to be entitled an act regulating the mode of collecting cost accruing in the supreme court, with instructions, reported the same back to the Senate amended by way of engrossed rider, and with the amendment, recommended the passage of the bill. The amendments were adopted, and the bill read a third time and passed the Senate. Ordered, that its title remain unchanged.

Message from the House of Representatives by Mr Phelan:

Mr President— The House of Representatives has passed bills of the following titles:

An act for the support of paupers in the county of Benton:

An act to incorporate the Torrent Fire Engine company, number five, of the company of Mobile:

An act to change the time of making settlements between the tax collector and commissioners court of Jackson county:

An act to appoint a committee of finance in the county of Pike and for other purposes:

And a joint resolution requiring the Secretary of State to furnish the printer with copies of the acts so soon as approved by the Governor; which originated in the Senate.

The House has also passed bills, which originated in the House, of the following titles:

An act to authorize justices of the peace of Jackson county to appoint overseers of roads, when vacancies may occur after the regular appointment by the commissioners court:

An act to authorize the tax collector of the counties of Marshall, Chamber and Talladega, to receive jury certificates in payments of taxes due said counties:

An act to incorporate a male and female academy, at the town of McDonald, in the county of Randolph:

An act for the benefit of the Alabama Fencibles:

An act regulating sales by the sheriff of the county of Bibb:

An act requiring the judge of the county court of Shelby county, to reside at or within three miles of the Court House; which originated in the House.

Engrossed bill from the House of Representatives to be entitled an act to authorize justices of the peace of Jackson county, to appoint overseers of roads, when vacancies may occur, after the appointment by the commissioners court, was read a first time. Mr Hudson moved to lay the bill on the table; which was carried.

Engrossed from the House of Representatives to authorize the tax collectors of the counties of Marshall, Chambers and Talladega to receive jury certificates in payment of taxes due said counties, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives to be entitled an act to incorporate a male and female academy in the town of McDonald, in the county of Randolph, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives to be entitled an act for the benefit of the Alabama Fencibles, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives to be entitled an act regulating sales by the sheriff of the county of Bibb, was read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives requiring the judge of the county court of Shelby, to reside at or within three miles of the court house, was read a first time and ordered to a second reading.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill from the House of Representatives, to be entitled an act to divorce Gertrude Tankersly from her husband Richard Tankersly, was read a second time. On motion of Mr Lea, it was referred to the committee on divorce and alimony.

Mr Turner moved to suspend the orders of the day; which was carried.

Mr Turner, from the committee on roads, bridges and ferries, to which was referred an engrossed bill from the House of Representatives, to be entitled an

act for the relief of Thomas S. Bibb, of Lawrence county, reported the same to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Thornton presented the account of J. C. Cook, sheriff of Greene county; which on motion, was referred to the committee on accounts and claims.

The Senate resumed the consideration of the orders of the day.

A bill to be entitled an act to reduce the pay of the members of the General Assembly, hereafter to be elected, was read a second time. Mr Hall moved to postpone the bill indefinitely; and the yeas and nays were called for.

YEAS—Messrs Clarke, Creagh, Hudson, Hall, Jones, Rodgers and Smith—7.

NAYS— Messrs President, Alston, Address, Farrar, Lea, Lloyd, McAllister McVay, Oliver, Phillips, Reese, Rice, Ross, Terry, Thornton, Toulmin, Turner and Wilson of J.—18.

The Senate refused to postpone indefinitely.

Mr Hall then moved to strike out 'three' and insert 'one dollar and fifty cents' on lieu thereof.

Mr Creagh called for a division of the question; which was first taken on striking out, and the word, 'three' was stricken out.

The question was then upon filling the blank with 'one dollar and fifty cents.'

Mr Address moved to fill the blank with 'three dollars and fifty cents.'

Mr Hudson moved to postpone the bill until the fifteenth day of December next; which was lost.

Mr Wilson of J. moved to postpone until the fourteenth day of December next; and the yeas and nays were called for. Yeas 7—Nays 19.

YEAS— Messrs Alston, Clarke, Hudson, Jones, Rice, Rodgers and Wilson of J.

NAYS— Messrs President, Address, Creagh, Farrar, Hall, King, Lloyd, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Smith, Terry, Thornton, and Turner. The motion was lost:

Mr Lea moved to re-commit the bill to the committee on retrenchment, with instructions to so amend the bill as to reduce the per diem pay of the President and Speaker, and Clerks and Doorkeepers of both Houses, and other State Officers; upon which the yeas and nays were demanded. Yeas 19—Nays 9.

YEAS— Messrs Alston, Address, Farrar, Hudson, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Smith, Terry, Thornton, Toulmin, and Womack.

NAYS— Messrs President, Clarke, Creagh, Hall, Rodgers, Ross, Turner and Wilson of J.

The motion to re-commit prevailed.

A bill to be entitled an act to incorporate the Central Seminary in the county of Autauga, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize the settlers on any portion of the four hundred thousand acres given by Congress, for the purpose of improving the navigation of the Tennessee, Coosa, and Black Warrior rivers, to enter the same, was read a second time, and on motion of Mr Creagh, postponed indefinitely.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Thomas S. Bibb, of Lawrence county, was read a second time.

On motion of Mr Hudson, the constitutional rule was dispensed with, and the bill was read a third time and passed the Senate.

The general orders of the day being completed, the Senate took up the spe-

cial order— the bill regulating punishments under the penitentiary system, being on its second reading.

Mr Phillips moved the following amendment to the end of the tenth section of the sixth chapter, to wit:

“And if ant person shall fail or refuse to attend and testify in obedience to such summons, he shall be liable to indictment, and on conviction, shall be fined in any sum, not less than twenty, nor exceeding five hundred dollars, and sentenced to a term of imprisonment not exceeding three months: Provided, all reasonable excuses shall be heard.”

Mr Terry moved to lay the amendment on the table; which was lost.

The question then recurred on the adoption of the amendment; which was carried.

Mr Creagh moved to amend the eleventh section, by striking out the word, ‘without’ after, ‘on,’ in the fourth line, and the word, ‘without,’ after the word, ‘and,’ in the sixth line; which, on motion of Mr Alston, was laid on the table.

Mr Smith moved to strike out the seventh section, upon which the yeas and nays were demanded. Yeas 10—Nays 16.

Those who voted in the affirmative, are Messrs Clarke, Lloyd, Reese, Rice, Rodgers, Smith, terry, Thornton, Toulmin and Turner.

Those who voted in the negative, are Messrs Alston, Address, Creagh, Farrar, Hudson, Hall, Jones, King, Lea, McAllister, McVay, Oliver, Phillips, Ross, Wilson of J. and Womack.

The Senate refused to strike out.

Mr Hall moved to strike out the eighteenth section; which was lost.

Mr Terry moved to strike out the twentieth, section, which was lost.

Mr Turner moved to amend the twenty-third section by adding the words, ‘or any State;’ which was lost.

Mr Lea moved to postpone indefinitely the further consideration of the bill, upon which the yeas and nays were called. Yeas 8—Nays 19.

Those who voted in the affirmative, are Messrs Address, Creagh, Farrar, Lea, McAllister, Phillips, Ross and Womack.

Those who voted in the negative are Messrs President, Alston, Clarke, Hudson, Hall, Jones, King, Lloyd, McVay, Oliver, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of J.

The Senate refused to postpone.

Mr Terry moved then when the Senate to adjourn, it will adjourn until to-morrow morning, ten o’clock; which prevailed.

On motion of Mr Hudson, the further consideration of the bill was postponed until to-morrow morning eleven o’clock, and made the special order of the day,

On motion of Mr Jones, the Senate then adjourned until to-morrow morning, ten o’clock.

SATURDAY, November 28, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate the Comptroller’s annual report. On motion of Mr Hudson, it was laid on the table, and thirty-three copies ordered to be printed.

Mr Hudson, from the committee on accounts and claims, to which was referred an engrossed bill from the House of Representatives, to be entitled an act making appropriations for the payment of certain claims against the State, reported the same back to the Senate with the following amendment, to wit:

in the sixth and seventh lines from the top, strike out the words 'one hundred and fifty-three' before 'dollars,' and insert in lieu thereof, the words 'ninety two;' and after the words 'dollars and' strike out the word 'twenty,' and insert in lieu thereof the word 'seventy.' The Senate adopted the amendments, and the bill was read a second time. On motion of Mr McVay, it was laid on the table.

Mr Hudson from the same committee, to which was referred the account of Henry Tuttle, sheriff of Walker county, for conveying prisoners from said county to the county of Tuscaloosa, and taking back again to said county, reported that the said claim is not properly a State charge, but more properly a county charge; in which the Senate concurred. Mr Rice withdrew the account.

Mr Hudson from the same committee, to which was referred the account of Robert T. Clyde, for furnished the office of register of the chancery district of Tuscaloosa, with instructions, reported a bill to be entitled an act making appropriations to Robert T. Clyde ; which was read a first time. On motion of Mr Turner, it was postponed indefinitely.

Mr Smith from the committee on enrolled bills, reported as correctly enrolled,

A bill to be entitled authorizing the erection of two township school houses, in the town of Livingston, in Sumter county.

Mr McVay, from the committee on propositions and grievances, to which was referred sundry petitions, from the citizens of Monroe county, relative to the county site, reported and recommended to passage of a bill to be entitled an act more permanently to locate the seat of justice for the county of Monroe; which was read a first time and ordered to a second reading.

On motion of Mr Alston,

Resolved, That the committee on privileges and elections, be instructed to inquire into the expediency of establishing an election at the house of Bayley Maness, in the county of Marengo.

Mr Alston also presented a petition to accompanying the resolution.

Mr Reese offered the following joint resolutions:

1. Be it resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That at the general election to be held on the first Monday in August next, the managers of the different precincts in the several counties in this State, be required to hold an election for a convention of the State to alter the twenty-ninth section of the third article of the constitution of this State.

2. And be it further resolved, That it shall be the duty of said convention, to act upon the matter proposes, and not other.

3. And be it further resolved, That all persons who are entitled to vote for a member of the Legislature, shall be entitled to vote upon the question for a convention; and said election shall be held in the following manner, to with: every person voting for convention, shall have written or printed on his ticket, the word 'convention,' or 'no convention.'

4. And be it further resolved, That the managers of said election, shall make the full return of said election to the Secretary of State, on or before the first day of December next; and the Secretary is hereby required to lay all such returns before the next Legislature, to be holden on the first Monday of November 1841.

Which were read a first time and ordered to a second reading.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the special order of the day, that being the penitentiary code, which, on motion of Mr Terry, was suspended for the purpose of making it report.

Mr Terry from the joint committee of both Houses, to investigate the mysterious abstraction of a leaf from the check book of the Bank of the State of Alabama, made the following report:

The Joint committee appointed by the two Houses, to which was referred the following resolution, viz:

The committee on the State Bank, to which was referred the communication of the President of the State Bank, accompanied by the report of the committee appointed by the President and Directors of said Bank, in relation to a mysterious abstraction of a leaf from the check book, have had the same under consideration, and inasmuch as the whole affair appears to be shrouded in mystery, and the act involving great moral turpitude, have instructed me to report, and recommend the adoption of the following resolution:

Resolved by the Senate, That a committee be appointed to act jointly with such committee as may be appointed on the part of the House of Representatives, to investigate said transaction in as speedy a manner as possible, and report the result of their investigation to their respective Houses; and that the committee have leave to send for persons and papers, and qualify witnesses, accordingly, have had the same under consideration, and beg leave to report, that they have carefully investigated the whole transaction, as will more fully appear be reference to the journal of their proceedings, herewith submitted; which they beg be taken and considered a part of their report. Your committee, after a minute and laborious examination of the subject, have come to the conclusion, that the abstraction of the leaf from the check book, was made by some person unknown to the officers of the Bank as they have all, without an exception, testified to that effect. As the matter now stands, your committee cannot see any injury that the Bank has sustained, or any benefit which any individual could derive from said abstraction, because its places has been supplied by a reference tot he posted entries in the journal and ledger, which contained the contents of the abstracted leaf from the check book. The late cashier admits that he had made entries on the 8th of June, 1839, which were in error, and that the entries on the abstracted leaf was made to correct the entries thus made. If the abstracted leaf from the check book could not have been supplied, and the correcting entries had not been posted, then the abstraction would have operated against the late cashier, and placed him debtor to the Bank in the sum of nineteen thousand nine hundred and ninety-nine dollars and fifty-cents; whereas, if the contents of the abstracted leaf be correct, and had been retained, in would show the Bank indebted to the cashier, in the sum of two hundred and seventy-eight dollars and ninety-six cents. This fact would seem to your committee to be sufficient reason to exonerate the late cashier, from the commission of an act, which would operate so disastrously to his pecuniary interest, to say nothing of its effects upon his moral character.

It will be seen by a reference to the report of the committee appointed by the President and Directors, to examine the books of the bank, that the numerous errors in the entries in the books of the Bank require correction, which they say cannot be made without opening a new set of books. Your committee fully concur in the propriety of vesting in the President and Direc-

tors full power to employ a sufficient number of clerks to correct, or to open and post up such books, as they may deem necessary for the correction of all errors.

Your committee cannot close this report without doing an act of justice to the officers of the bank, as well as the ex-officers, who, by their promptness, afforded your committee every facility to accomplish the object of their investigation.

Your committee respectfully recommend the adoption of the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the President and Directors of the State Bank be hereby authorized to employ such number of clerks as they may deem necessary to correct the errors in the book of said bank, if they shall deem it necessary and proper for the interest of the institution.

NATH'L TERRY, Chair. }Senate.

J. L. TOULMIN,

D. MOORE, Chair. }House

J. MITCHELL,

The journal of the committee of the two Houses of the General Assembly to which was referred the following preamble and resolution, to wit:

The committee upon the State Bank, to whom was referred the communication from the President of the State Bank, accompanied by the report of the committee appointed by the President and Directors of said bank in relation to a mysterious abstraction of a leaf from the check book, have had the same under consideration, and inasmuch as the whole affair appears to be shrouded in mystery, and the act involving great moral turpitude, the committee have instructed me to report, and recommended the adoption of the following resolution:

Resolved, by the Senate, That a committee be appointed to act jointly with such committee as may be appointed on the part of the House of Representatives, to investigate said transaction in as speedy a manner as possible, and report the result of the investigation to their respective Houses, and that the committee have leave to send the persons and papers, and qualify witnesses. Concurred in by the House, and Messrs Moore of Madison, Mitchell and Williams were appointed a committee on the part of the House of Representatives, who met at the banking house in the town of Tuscaloosa, on Wednesday, November eighteenth, one thousand eight hundred and forty, at three o'clock, P. M. Present Hon. Nathaniel Terry and J. L. Toulmin of the Senate, David Moore and J. Mitchell, of the House of Representatives, and proceeded to qualify the following witnesses, to wit:

First witness--Doctor Marrast, President of the Bank, who deposeth and saith--

Question 1st. Were you one of the commissioners that examined the Bank in the Fall of 1839.

Answer. I was.

Question 2d. If so, state all that you know in regard to the abstraction of the leaves from the check book and vault books.

Ans. I have no doubt that the abstracted sheet was taken out after the examination referred to. The vault book is nor connected with the regular books of the bank, but serves as a memorandum for the cashier's own use,

and I do not think was particularly examined by the commissioners. As to the abstraction of the leaf from the check book, the first knowledge I had of it, was about the fifteenth of June last; which was reported to me by cashier. On the discount day following, say the seventeenth of the same month, I submitted the subject to the Board for their action. This is all I know on those two points. I do not know when it was abstracted, nor by whom it was done.

Ques. 3d. Would any person have been profited by abstraction of said leaves. If they would, state them.

Ans. It seems, that if the supposed errors are corrected by those entries, there is a balance of two hundred and seventy-eight dollars and ninety-six cents in favor of the cashier; but the entries without those corrections leave a balance against him of nineteen thousand nine hundred and ninety-nine dollars and fifty-five cents, &c.

Second witness—E. F. Comegys. former cashier of the State Bank, who being duly sworn, deposeth and saith--

Ques 1st. Were there entries to correct errors, which by entries improperly made on the eighth of June previously?

Ans. They were so made by myself while cashier of the bank.

Ques. 2d. Sis you have in your possession of said account current of the bank with Mr Cook, to which the entries alluded?

Ans. I did; but do not know where it is now.

Ques. 3d. By whom were you put in possession of said account current?

Ans. By the Board of Directors.

Ques. 4th. Was it necessary to have said account current before you, in order to have made said entries?

Ans. It was necessary on the eighth of June, and I had said account before me, when they were made on that day, and also, when they were corrected on the eighth of July, I had a copy of said account current.

Ques. 5th. Could any one have been benefited by the abstraction of said leaves, provided they could have not been supplied?

Ans. I think not.

Ques. 6th. Has there been a final settlement with the bank agent, Mr Cook, and do the books of the bank show said settlement?

Ans. There has been a final settlement, which was made by the account current above alluded to, from which the above entries were made on the books on the eighth of June.

Ques, 7th. At what time did you first miss the original account current and ascertain that it was gone?

Ans. About the eighth of July, eighteen hundred and thirty-nine.

Ques. 8th. What became of the copy?

Ans. I returned it to Major Cook's store.

Ques. 9th. To whom did you deliver it?

Ans. To Mr Boyd.

Ques. 10th. Do you think any thing in regard to the abstraction of the leaf from the check book, or by whom it was done, or at what time?

Ans. I do not know any thing in regard to the above, or last interrogatory.

Ques. 11th. Was any error discovered in the account current above alluded to?

Ans. I did not discover any: And further the deponent saith not.

Third witness—Benjamin Wigglesworth being duly sworn, deposeth and saith--

Ques. 1st. Were you not one of the commissioners that examined the Bank in 1839?

Ans. I was.

Ques. 2d. State whether the abstraction of said leaf from the check book was before or after said examination, and all you know in regard to it.

Ans. I know nothing of the abstraction of the leaf referred to, nor do I know particularly of its identity, having been appointed and sworn in as commissioner after the critical examination of the books of the Bank had taken place, and further this deponent saith not.

Fourth witness—Major Cook, who being sworn, deposeth and saith--

Ques. 1st. Do you know who has possession of the account current, above alluded to, by Mr Comegys, of the bank with yourself?

Ans. I delivered the original account current, together with the vouchers from which it was made out, to the Directors, who examined it and handed it over to the Cashier, in order that he might make the proper entries, since which I have nothing about it. It was admitted to be correct by the Board, which was confirmed by the Cashier in his remarks to me afterwards. The copy of the original, which Mr Comegys borrowed of Mr Boyd during my absence, was a fac simile of the original account current, and that copy I have not seen since, and do not know what has become of it.

Ques. 2d. Do you think any thins about the abstraction of the said leaf from the check book?

Ans. I do not, and further this deposeth saith not.

Fifth witness—Jones M. Withers, who being duly sworn, deposeth and saith--

Ques. 1st. Could any one have been benefited by the abstraction of the leaf in the check book, and the loss of the account current? if son, state who, and in what manner?

Ans. Whether any one was benefited by the abstraction of the leaf from the check book and the account current, depends, in my opinion, upon the correctness of the original entries. They purport to have been predicted on the account current, that being lost as also the copy, the entries cannot be tested; if they are correct, there is a small balance in favor of the late Cashier; if they are incorrect, we have nothing but the evidence of design to direct us, that leads us to the entries themselves, and to those who are interested in them. This answer is made upon the supposition that there is a connection between the entries on the abstracted page, and those predicted on the account current, as stated by the late Cashier.

Ordered, that the committee do now adjourn until to morrow, three o'clock P.M.

The committee of the two Houses met according to adjournment, at three o'clock, November 19th, 1840. Present, Messrs Terry, Buford, and Toulmin of the Senate; Messrs Moore and Mitchell, of the House of Representatives.

Mr Jones M. Withers being still under examination, further deposeth and saith--

Ques. 2d. Have the Directors since the month of June, 1839, had access to the papers of the bank without the intervention of the officers of the bank?

Ans. If a Director knew where a paper was kept, he could have access to it without the intervention of an officer. It is against the rules of the Roard, however, and

I know of no instance in which such access has been had without such intervention. This answer must be confined to this year. I was not a member of the Board, and therefore cannot speak of the custom during the last year; and further this deponent saith not.

Mr James Hogan being duly sworn, deposeth and saith--

Ques, 1st. Were you a Director during the year 1839?

Ans. I was.

Ques. 2d. Had the Directors in the year 1839, access to the paper of the bank without the intervention of the bank officers?

Ans. I think they had not, without the intervention of one of the officers of the bank.

Ques. 3d. If a Director knew where a paper in the bank was, could he have obtained it without intervention of an officer of the bank?

Ans. I think not.

Ques. 4th. Could any body have been benefited by the abstraction of the lead and the account current?

Ans. In regard to the account it was examined by the Board in the settlement with Mr Cook and considered correct; and in regard to the loss of the leaf and the account current, I cannot see that any injury could accrue to the bank or benefit to any individual.

Ques. 5th. Do you know any thing about the abstraction of the leaf from the check book?

Ans. I do not, and never knew it was gone until reported by the present Cashier.

Ques. 6th. Is there any way to test the correctness of the original entries, now that the account current, on which they were said to be predicted, is lost?

Ans. I think there is no way without the account current.

Cross-examined by Mr Comegys.

Do you think the entries on the 8th of June, 1839, are in error made from the account current of Major Cook, and that they can be shown to be so by the entries themselves on the books?

Ans. I am certain there were errors in the entries on the books of the 8th of June, 1839; but do not know what individual account was affected, as there were entries in regard to the cotton account with the Branch Bank at Mobile, and the Bank of Louisiana; and further the deponent saith not.

D. M. Boyd, after being duly sworn, deposeth and saith:

Ques. 1st. Was the account current, which contained the settlement of Major Cook agent of the bank, with the bank, ever in your possession?

Ans. It was.

Ques. 2d. What did you do with it; state all you know in regard to it, and what occurred in regard to it?

Ans. Sometime after the settlement between Major Cook and the bank, Mr Comegys called in Mr Cook's absence, and asked me for his copy of the account current, as his was mislaid. I took it from Mr Cook's desk and gave it to him, and have not seen it since.

Ques. 3d. Was the account current a voluminous document?

Ans. I never examined the items, but recollect it only occupied a portion of the sheet, which was common letter paper; and further the deponent saith not.

William Hawn, Cashier of the Bank of the State of Alabama, being duly sworn, deposeth and saith--

Ques. 1st. Do you know any thing in regard to the abstraction of the leaf from the check book?

Ans. I do not.

Ques. 2d. Have you examined the entries on the books alluded to in the report of the committee on the 8th of June, 1839; and if so, did not find those entries to be in error?

Ans. I did and believe the errors to be correctly reportedly the committee of the Board of Directors.

On motion, the committee adjourned until Friday, the 20th instant, three o'clock, P. M.

The joint committee of the two Houses met pursuant to adjournment, at the banking house, on Friday, the 20th inst. at three o'clock, P. M. Present, Messrs Toulmin and Buford, on the part of the Senate, and Messrs Moore and Mitchell on the part of the House of Representatives, and proceeded to business by calling Mr Moore of the House, to the Chair.

Mr William Hawn, Cashier of the Bank of the State of Alabama, being still under examination, further deposeth and saith:

Ques. 3d. Is there any connection between the entries made on the 8th of June, 1839, and the 8th of July 1839, and the account current said to have been lost or mislaid.

Ans. The entries of the 8th of June, so far as the business of that date exhibits any connection or settlement with Major Cook, was of course made from the account current which is said to be lost. The books now do not show any connection between the entries made on the 8th of July, and those of the 8th of June or the account current.

Ques. 4th. Could the bank, or any other individual, have been benefited or injured by the abstraction of the leaf from the check book, and the loss of the account current?

Ans. It is difficult to determine in the absence of the account current, whether any one could have been benefited by its abstraction, together with the leaf from the check book. From the entries themselves, it does not appear that any one was.

Ques. 5th. By Mr Comegys--So you not believe the errors in the entries on the 8th of June, 1839, were errors of head and not of the heart, and that the correction made on the 8th of July after, amount were necessary, and that the bank sustained no loss by them?

Ans. I have investigated with care the entries of the 8th of June, and am satisfied that the then cashier made erroneous entries on that day, operating against himself to the extent of the errors reported by the committee of the Board of Directors, which it was necessary to correct by counter entries, and that he made the entries on the 8th of July afterwards for the purpose of such corrections. I have not been able to discover that the bank sustained any loss by there entries, and do not belie it did. The errors were no doubt made by not correctly entering the items from the account current.

Mr Joel Riggs, being duly sworn, deposeth and saith--

Ques. 1st. Do you know any thing about the abstraction of the leaf from the check book, or the loss of the account current, as settled with Mr Cook, above alluded to?

Ans. I do not know any thing of either.

Mr Thomas J. Burke being duly sworn, deposeth and saith--

Ques. 1st. Were you an officer of the bank during the year 1839.

Ans. I was.

Ques. 2d. Do you know any thing about the abstraction of the leaf from the check book, or the loss of the account current, above alluded to?

Ans. I do not know any thing about the abstraction of the leaf from the check book, or the loss of the account current above alluded to?

Ques. 3d. Have you examined the entries on the books alluded to, in the report of the committee appointed by the Board of Directors; if so, state whether they were in error?

Ans. I have examined the entries made on the check and deposit books on the 8th of June, 1839, alluded to in the report of the committee: from that examination, I have arrived at the conclusion, that Mr Comegys, the then cashier, made entries on that day, which operated as errors against himself, to the amount of nineteen thousand nine hundred and ninety-nine dollars and fifty-five cents.

Ques. 4th. Were you one on the sub-committee appointed by the Board to investigate this matter?

Ans. I was.

Cross-examined by Mr Comegys--

Ques. 5th. Do you not believe the errors committee in the entries on the 8th of June, 1839, were errors of the head and not of the heart, and that those corrections made on the 8th of July afterwards, in amount, were necessary, and that the bank sustained no loss by them?

Ans. The errors made on the 8th of June, 1839, necessarily required correction, and although I do not think that the correcting entries made on the 8th of July, were charged to the proper accounts, still I feel convinced they were proper in amount, and that the bank lost nothing by their being so made.

Doctor P. Redmond, being duly sworn, deposeth and saith--

Ques. 1st. Do you know any thing of the abstraction of the leaf from the eck book, or the loss of the account current above alluded to?

Ans. I do not, and further this deponent saith not.

ch William M. Montgomery, being duly sworn, deposeth and saith--

Ques. 1st. Do you know anything of the abstraction of the leaf from the check book, or the loss of the account current above alluded to?

Ans. I do not, and further deponent saith not.

On motion, adjourned to half past two o'clock, to-morrow.

The committee of the two Houses met pursuant to adjournment. Present, Messrs Terry and Buford, and Toulmin of the Senate; Messrs Moore and Mitchell of the House of Representatives, and proceeded to business.

James M. Williams, who being duly sworn, deposeth and saith--

Ques. 1st. Were you an officers of the this bank during the year of 1839?

And. I have been an assistant clerk, from the 28th of March, 1839, up to the present time.

Ques. 2d. Fo you know any thing in regard to the abstraction of the leaf from the check book, or the loss of the account current of the settlement of the bank with Major Cook?

Ans. I do not.

Ques. 3d. What persons have held offices in this bank, since the 28th of March, 1839?

Ans. In 1839--E. F. Comegys, Wm. L. Antony, T. J. Burke, F. O. Ball, George B. Saunders, J. M. Williams.

In 1840--Wm. Hawn, Joel Riggs, T. J. Burke, P. Redmond, Wm. M. Montgomery, J. M. Williams. And further this deponent saith not.

Joel White being duly sworn, deposeth and saith--

Ques. 1st. Do you know any thing in regard to the abstraction of the leaf from the check book, or the loss of the account current above alluded to?

Ans. I do not.

Ques. 2d. Could any person have been benefited by the abstraction of the

leaf from the check book, and the loss of the account current; if so, how and in what manner?

Ans. If the correcting entries, made on the 8th of July, are correct, I am under the impression that no one could have been benefited by the abstraction of the leaf from the check book of that date, nor could the bank have sustained any loss; but if the correcting entries, made on that day, are not correct, then the bank might have sustained a loss, and some one might have been benefited by the abstraction of the leaf; and I do not know of any way of testing the correctness of the original or correcting entries in the absence of the account current M. Cook.

On motion, the committee adjourned to meet again on Monday next, at three o'clock, P. M.

The committee of the two Houses met pursuant to adjournment at the Banking House, on Monday, the 23d inst. at three o'clock, P. M. Present Messrs Buford and Toulmin on the part of the Senate; Messrs Moore and Mitchell, on the part of the House of Representatives, and proceeded to business by appointing Mr Moore chairman.

William L. Antony, being duly sworn, deposeth and saith--

Ques. 1st. Were you an officer of the bank on the 8th of June 1839, and how long afterward?

Ans. I was Teller in the bank on the 8th of June, 1839, and continued until about the 18th of February, 1840.

Ques. 2d. Do you know any thing of the abstraction of the leaf from the check book, or the loss of the account current above alluded to?

Ans. I do not.

Ques. 3d. Could any one have been benefited by the abstraction of the leaf from the check book and the loss of the account current; if so, state who and in what manner?

Ans. I think that all entries made by the cashier, will affect him as well as the bank. I do not think those entries made on the 8th of July, could be very fully tested, without comparing them with the account current, in connection with the entries made by the cashier, on the 8th of June.

Ques. 4th. In transferring entries from the check book to the general ledger, is it the practice to retain the exact phraseology of the original entries, or are the entries on the ledgers made in more general and indefinite terms, and could the entries on the ledgers be explained in the absence of the original entries on the check book?

Ans. It has been customary, I believe, to post only the amount and dates. I cannot say that all entries could be explained without the aid of the original entry book, or the vouchers upon which those entries were made, and further this deponent saith not.

George B. Saunders, being duly sworn, deposeth and saith--

Ques. 1st. Were you an officer of the Bank on the 8th of June, 1839, and how long after?

Ans. I was, and continued so until the 18th of February, 1940.

Ques. 2d. Do you know any thing about the abstraction of the leaf from the check book, and the loss of the account above alluded to?

Ans. I do not, and further this deponent saith not.

O motion, the committee adjourned to meet again on to-morrow, at half past nine o'clock, A. M.

The committee of the two Houses met at the banking house, on Tuesday

morning, the 24th inst. at half past nine o'clock, A. M. according to adjournment. Present, Messrs Terry and Toulmin on the part of the Senate, and Messrs Moore of Madison and Mitchell on the part of the House of Representatives, and proceeded to business.

F. O. Ball being first sworn, deposeth and saith--

Ques, 1st. Were you an officer in the bank of the State of Alabama, on the 8th of June, 1839, and how long after?

Ans. I was, and continued so, until about the 18th of February 1840.

Ques. 2d. Do you know any thing about the abstraction of the leaf from the check book, and the loss of the account current above alluded to?

And. I do not, and further deponent saith not.

The resolutions reported by the committee, were read a first time.

Mr Terry moved that the constitutional rule requiring bills and joint resolutions to be read on three several days, be dispensed with, which was lost.

The question was then taken upon ordering the resolution to a second reading on Monday morning, which was carried.

On motion of Mr King, the vote ordering the resolution to a second reading, was reconsidered.

On motion of Mr King, the vote refusing the suspend the constitutional rule, was also reconsidered.

The constitutional rule was then dispensed with, and the resolution read a second time.

Mr Lea moved to amend by striking out the words, "to make out a new set of books."

Mr Hall moved to lay the resolution on the table, which prevailed.

On motion of Mr Creagh, the resolution was taken from the table.

Mr Creagh then moved to postpone the resolution indefinitely, upon which the yeas and nays were demanded. Yeas 13--Nays 13.

Those who voted in the affirmative, are Messrs Alston, Andress, Creagh, Hall, Lea, Lloyd, McVay, Oliver, Reese, Rodgers, Ross, Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Clarke, Farrar, Hudson, Jones, King, McAllister, McConnell, Rice, Smith, Terry, Toulmin, and Turner.

The Senate refused to postpone the resolution.

The question then recurred on the motion of Mr Lea, which prevailed.

The resolution was then ordered to be engrossed for a third reading.

On motion of Mr Terry, the accompanying documents were laid upon the table, and three-three copies ordered to be printed.

On motion the special order was further suspended.

Mr Lea from the committee on internal improvement and inland navigation, to whom was referred so much of the Governor's message as relates to internal improvement, made the following report to the Senate:

That although we would rejoice to see our State able to begin to carry into effect the works of internal improvement so long desired by our citizens-- the people not being yet relieved from the embarrassment of the times, and it being of the first importance, that the State itself, should not also become deeply involved in a State debt-- it is thought best postpone for the present any work of great importance; it is therefore unnecessary for the committee now to attempt an examination of the relative merits of the several kinds of improvement named in the message; and concluded with expressing the hope that

at do distant, our State will be able to make a beginning under circumstances, which will be more propitious, and with a certain prospect not only of connecting the waters of the Tennessee river, with those of the Mobile Bay, but developing by internal improvement, all the slumbering natural resources of the State. The Committee therefore ask to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr President laid before the Senate, the annual report of the Treasurer of the State.

On motion of Mr Hudson, it was laid on the table, and thirty-three copies ordered to be printed.

Message from the House by Mr Phelan:

Mr President: The House of Representatives has passed bills of the following titles:

An act to explain an act to appoint administrations in certain cases:

An act to repeal the fifth section of an act to incorporate the town of Fredonia in Chambers county.

An act to authorize the election of an assessor and tax collector for the county of De Kalb.

All of which originated in the House.

The House of Representatives has amended the bill to change the time of making settlement between the tax collector and the commissioners' court of Jackson county.

In all of which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives, to be entitled an act to explain an act to appoint administrators in certain cases, was read and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled an act to repeal the fifth section of act to incorporate the town of Fredonia, in Chambers county, approved February 4th. 1840, was read and ordered to a second reading.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the election of an assessor and tax collector for the county of De Kalb, was read and ordered to a second reading.

On motion of Mr Alston, the vote refusing to pass the bill to be entitled an act to divorce Mary Welsh from her husband Dennis R. Welsh, was reconsidered; the bill was then read a third time and passed.

The Senate took up the special order of the day.

Mr McConnell moved the following amendment, "and shall be imprisoned not exceeding two years in the State prison," to come in at the end of the first section, and seventh chapter.

Upon the adoption of this amendment, the yeas and nays were called for. Yeas 8—Nays 19.

YEAS— Messrs Clarke, Farrar, McAllister, McConnell, Reese, Smith, Terry and Wilson of J.

NAYS— Messrs President, Alston, Andress, Creagh, Hall, Hudson, Jones, King, Lea, Lloyd, McVay, Oliver, Rice, Rodgers, Ross, Thornton, Toulmin, Turner and Womack.

It was lost.

Mr McConnell moved to strike out all after the word 'than' in the first section and seventh chapter, and insert in lieu thereof the words 'shall be fined

two thousand dollars, and be imprisoned in the county jail not less than three months.

Mr Hudson moved to lay it on the table, and called for the yeas and nays.

Yeas 13 Nays 13.

YEAS— Messrs President, Alston, Address, Creagh, Hudson, Jones, King, Lea, McVay, Oliver, Rodgers, Ross, and Womack.

NAYS— Messrs Clarke, Farrar, Hall, Lloyd, McAllister, McConnell, Reese, Rice, Smith, Terry, Toulmin, Turner and Wilson of J.

The motion failed.

The question then recurred on the adoption of the amendment and the yeas and nays called for. Yeas 13 Nays 13.

YEAS— Messrs Clarke, Farrar, Hall, Lloyd, McAllister, McConnell, Reese, Rice, Smith, Terry, Thornton, Toulmin, and Turner.

NAYS— Messrs President, Alston, Address, Creagh, Hudson, Jones, King, Lea, McVay, Oliver, Reese, Ross, and Womack.

The Senate refused to adopt the amendment.

Mr Terry moved to amend the first section of the seventh chapter by adding the following at the end of thereof, to wit: 'and no such note, bill, bond, draft, check, post note, and other paper so made, issued, emitted, or put in circulation, shall create any obligation either in law or equity, on any party or person whatsoever, to redeem the same, but the same are hereby, declared to be void ab initio.'

Mr McConnell moved to lay the amendment on the table, and the yeas and nays were called for. Yeas 14—Nays 12.

YEAS— Messrs Alston, Address, Clarke, Farrar, Hall, King, Lea, Lloyd, McAllister, McConnell, McVay, Rice, Smith and Thornton.

NAYS— Messrs President, Creagh, Hudson, Jones, Oliver, Rodgers, Ross, Terry, Toulmin, Turner, Wilson of J. and Womack.

The motion prevailed.

Mr Smith moved the following amendment to the end of the first section, to wit: 'And that upon failure to pay the fine, shall be imprisoned in the county jail twelve months;' upon the adoption the yeas and nays were taken.

Yeas 19—Nays 7.

YEAS— Messrs President, Address, Creagh, Farrar, Hall, Hudson, Lloyd, McAllister, McConnell, Oliver, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

NAYS— Messrs Alston, Clarke, Hudson, King. Lea, McVay, and Rodgers,
The amendment was adopted.

Mr McConnell then moved to strike out the first section as amended, and the yeas and nays were demanded. Yeas 2—Nays 24.

YEAS—Messrs Alston and Lea.

NAYS— Messrs President, Address, Clarke, Creagh, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J, and Womack.

The Senate refused to strike out.

Mr Smith offered the following amendment to come in the seventh line of the second section after the word 'same,' to wit: 'And upon failure to pay the fine, be imprisoned in the county jail, not exceeding three months;' which was lost.

Mr Turner moved to amend the third section by inserting the words 'of this State' after the word 'association;' which was lost.

Mr Creagh moved to strike out the fourth section, upon which the yeas and nays were demanded. Yeas 6—Nays 21.

Those who voted in the affirmative, are Messrs President, Creagh, Lea, McAllister, Rodgers, and Thornton.

Those who voted in the negative, are messrs Alston, Address, Clarke, Farrar, Hudson, Hall, Jones, King, Lloyd, McConnell, McVay, Oliver, Reese, Rice, Ross, Smith, Terry, Toulmin, Turner, Wilson of J. and Womack. The motion was lost.

Mr Hudson moved to suspend the further consideration of the order of the day; which was lost.

Mr Rice moved to adjourn; which was lost.

Mr Hudson moved to strike out all of the fourth section, not included in the printed copy, upon the yeas and nays were demanded. Yeas 23--
Nays 4.

YEAS—Messrs President, Alston, Address, Clarke, Creagh, Hudson, Hall, Jones, King, Lea, Loyd, McAllister, McVay, Oliver, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

NAYS— Messrs Farrar, McConnell, Reese and Rice.

The motion prevailed.

Mr Hall moved to reconsider the amendment of Mr Smith, to the end of the first section, upon which the yeas and nays were demanded. Yeas 8--
Nays 19.

YEAS— Messrs Clarke, Hall, King, Lea, McAllister, Oliver, Rodgers.

NAYS— Messrs President, Alston, Address, Creagh, Farrar, Hudson, Jones, Lloyd, McConnell, Reese, Rice, Ros, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

The Senate refused to reconsider.

Mr Jones moved to reconsider the vote refusing to adopt the amendment of Mr Turner 'or any other' to the end of the third line of the the twenty third section of the sixth chapter; which was lost.

Mr King moved to postpone the special order until Monday 11 o'clock, upon which the yeas and nays were demanded.

YEAS— Messrs Creagh, Farrar, Hudson, Hall, King, Lea, Loyd, McConnell, Reese, Rice, Rodgers, Ross, Smith, Thornton, Wilson of J. and Womack.

NAYS— Messrs President, Alston, Address, Clarke, Jones, McAllister, McVay, Oliver, Terry, Toulmin and Turner.

The order of the day was postponed.

Mr Hudson moved to take up the resolution offered by Mr Rice, proposing, that for the balance of the session, when the Senate adjourns, it will adjourn until half past nine o'clock of the following day.

On motion of Mr Hall the Senate then adjourned until Monday morning ten o'clock.

NOVEMBER 30, 1840.

The Senate met pursuant to adjournment.

Mr Smith presented the petition of sundry citizens of the county of Monrow, which on motion, was laid on the table.

Mr Wilson presented the account of sundry individual in relation to the

burial of George R. Griffin, Esq, which on motion was referred to the committee on accounts and claims.

Mr Smith from the committee on enrolled bills reported as correctly enrolled bills of following titles:

An act to appoint a committee of finance in the county of Pike and for other purposes:

An act for the support of paupers in the county of Benton:

Mr Reese from the committee on enrolled bills, reported as correctly enrolled a bill to be entitled an act to change the time of making settlement between the tax collector and commissioners court of Jackson county; and also, a joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States, in relation to a land district in the Cherokee nation.

Mr Thornton from the committee on the Judiciary to which was referred a bill to be entitled an act declaring certain deeds fraudulent and void reported, that it was inexpedient to enact the bill; it would put a restriction upon the rights of both the creditor and debtor class of the community, which would not be compensated by any adequate advantage.

In the absence of a general bankrupt law, providing for the equal distribution of the effects of a failing debtor, among ammm his creditors and for a release of the debtor upon making a fair and full surrender of his means for that purpose; it seems to the committee best to leave parties free to consent as they now are upon the subject.

The right to prefer creditors, by the debtors, paying all his property to some in exclusion of others, until the lien is produced by legal process exist in full force under our laws, and the present condition of things is not aggravated by allowing payment or transfer of property, with a view to payment, to be so condition that the preferred creditor shall release his demand, as to future acquisitions by his creditor.

The creditor who accepts of such an assignment upon the condition of such release may serve his interest by it. He may secure something which otherwise might be put beyond his reach and those creditors, who are not embraced in the assignment, or who refuse to accept are no worse off than in an assignment were made to others without any such stipulation, in truth they are better off because the future acquisitions of the debtors are freed from any liability to the creditors accepting of the assignment.

The bill was then placed among the orders of the day.

The Thornton from the committee on five raised by the Senate to act with the committee of ten raised by the House of Representatives, forming a joint committee of both Houses, on matters relating to the chancery court of this State, to which was referred so much of the Governor's message as refers to the chancery system, also a resolution that the judiciary committee, be instructed to inquire into the expediency of amending the law abolishing the chancery court, so as to give to each county of the State a court of chancery; also a resolution instructing the judiciary committee to inquire into the expediency of repealing so much of the act establishing a separate chancery court, as requires the chancellor's to alternate; also a resolution instructing the judiciary committee to inquire into the expediency of abolishing the separate chancery court, reported that the joint committee had maturely considered all the matters referred, and instructed me, simultaneously, with the concurrence of the committee on ten on th part of the House of report to the Senate the accompanying bill and recommend its passage.

A bill to be entitled an act to amend an act to organize and establish separate courts of chancery, was read a first time.

Mr Lea moved to suspend the constitutional rule; which was lost. The bill was then ordered to a second reading.

A message from the House of Representatives, by Mr Phelan:

Mr President— The House of Representatives has concurred in the amendment made by the Senate to the bill to attach a part of the county of Morgan to Marshall county, and the bill to compel the county treasurers to make a full and explicit exhibit of the finances of their respective counties in each and every year.

The House has, also passed bills of the following titles:

An act to authorize Henry Hunter of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington, in said county, and for other purposes.

An act for the relief of Henry C. Lansdale, of Henry county.

An act permanently to locate the seat of justice for the county of Marshall and for other purposes.

An act for the relief of the citizens of Deerhead Cove, in the county of De Kalb.

In which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives of the following titles, to wit:

An act to authorize Henry Hunter of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land, opposite the town of Livingston, in said county, and for other purposes.

An act for the relief of Henry C. Lansdale of the county of Henry.

An act permanently to locate the seat of justice of Marshall county, and for other purposes.

And, an act for the relief of the citizens of Deerhead Cove, in the county of De Kalb.

Were severally read the first time, and ordered to a second reading.

Message from the House of Representatives, by Mr Phelan:

Mr President— The House of Representatives has adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Monday next, (this day) at twelve o'clock, for the purpose of electing a judge of the county court for the county of Wilcox, in which the concurrence of the Senate is requested.

Mr Terry moved to strike out the word 'next,' which was lost. The resolution was then recurred in.

The hour of eleven having received, the time to which the special order had been postponed, was on motion of Mr Terry, postponed till one o'clock, this day.

Mr Hudson, from the committee appointed to examine the offices of the Comptroller of Public Accounts and State Treasurer, reported that they commenced the investigation with the date of the 27th November, 1839, to which the said offices had been examined by a committee appointed for that purpose by the Legislature, as appear by a report, made on the 19th day of December, 1839.

The committee having compared every voucher with the entries on the books in the Comptroller's office, and the vouchers in the Treasurer's office with the correspondence entries in his books, together with the various acts of appropriations from the above date, to the close of the fiscal year of 1840, an

examination running through some five or six hundred entries, in all of which not the smallest difference or mistake appeared.

The committee also examined the additions and extensions of the books, and compared then with the general reports made by the Comptroller and Treasurer, and find them all to correspond. To these reports the committee refer, for the condition of the several funds and the balance in the treasury.

The books in both offices are kept in a clear and neat style, and in a plain and simple manner, and all the papers and vouchers carefully and correctly filed.

In closing this report the committee feel it due to the officers to say that every facility was afforded by them, to aid and assist in carrying in this examination, and that the officers have discharged their duties faithfully and correctly, according to law.

Mr Thornton from the committee to which was referred a bill to be entitled an act to authorize a stay of execution in certain cases, reported the same back to the Senate, and asked leave to be discharged from the further consideration thereof. The bill was placed amend the orders of the day.

Mr Thornton from the same committee to which was referred a bill to be entitled an act for the relief of Mary E. Reynolds, of the county of Mobile, reported the same to the Senate as inexpedient to be passed. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to extend the jurisdiction of justices of the peace in certain cases, reported the same back to the Senate without amendment, and asked leave to be discharged from the further consideration thereof.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act in relation to descents and for other purposes, reported the same without amendment and recommended its passage.

Mr Thornton from the same committee, to which was referred a joint resolution in relation to the supreme court decisions, reported the same to the Senate, with the following amendments to follow the last words in the resolution, to wit:

‘And be it further resolved, That all the volumes of decisions of the supreme court of this State up to 9 Porter’s Reports inclusive, belonging to the State, and not otherwise disposed of, be sold by the Governor of Alabama, at the price of three dollars per volume, and such time of payment and security as he may deem best, except that four copies of each of the volumes be retained, of which two copies shall be deposited in the office of Secretary of State, and two in the library of the supreme court, for the use of the several departments of the government.

‘And be it further resolved, That the judges of the supreme court, who are now, by law, required to report their own decisions, be, each of them authorized to sell and dispose of fifty copies of each volume of reports, which they may publish for their own account and benefit, and at their own expenses.’

The amendment was adopted; the bill read a second time, and ordered to a third reading.

Mr Smith from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

An act excluding certain lands from the jurisdiction of the corporation of the town of Benton, in the county of Lowndes.

An act to repeal an act authorizing the sheriff of Blount county to serve process by justices of the peace.

Joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened, requiring the Secretary of State to furnish the printer with copies of the acts so soon as approved by the Governor; and

Joint resolutions in relation to the appropriations made by Congress to Hart & Bosworth and John Hart, of Irwinton, Alabama.

Mr Alston, from the committee on the judiciary, to which was referred a bill to be entitled an act to amend an act for the collection of taxes in the county of Marengo, approved, February 1, 1840, reported the same back to the Senate with the following amendment, to wit: at the end the second line of the fourth section, add the words 'in the county of Marengo;' in which the Senate concurred. The bill was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr Rice. the vote ordering the engrossed joint resolutions concerning the supreme court decisions, was reconsidered; and on motion of Mr Rice, the vote was further re-considered adopting the amendments reported by the judiciary committee.

The question was then upon the adoption of the amendments reported by the committee.

Mr Rice called for a division of the question; which was first taken upon the amendments of the committee, except the last resolution, and adopted.

Mr Hall moved to postpone the last resolution, indefinitely; which is as follows:

And be it further Resolved, That the judges of the supreme court, who are now required by law to report their own decision, be each of them authorized to sell and disposed of fifty copies of each volume of reports, which they may published for their own account and benefit, and at their own expense.

Upon the motion to postpone, the yeas and nays were demanded. Yeas 20 —Nays 10.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dent, Farrar, Hall, King, Lloyd, McAllister, McConnell, McVay, Reese, Rice Rodgers, Ross, Smith, Turner, Wilson of F. Wilson, and Womack.

Those who voted in the negative, are Messrs Alston, Address, Dailey, Hudson, Jones, Lea, Oliver, Phillips, Terry and Thornton.

The amendment was postponed indefinitely.

Message from the House of Representatives by Mr Phelan:

Mr President— I am instructed to invite the Senate into the Hall of the House for the purpose of electing a judge of the county court of Wilcox county.

The Senate then repaired to the Hall of the House of Representatives and were seated.

The two Houses proceeded to the election of a judge of the county court of Wilcox county—WILLIAM F. GEE, alone in nomination, and having received one hundred and fourteen votes, that being the whole number given, Mr Speaker declared him duly elected judge of the county court of Wilcox county, for the ensuing term of six years.

The Senate then withdrew to their Chamber, and the President resumed his Chair.

Mr Dailey from the select committee, to which was referred the engrossed bill from the House of Representatives, to be entitled an act to authorize the tax collector and clerk of the circuit and county court of Tallapoosa county, to receive in payment of public dues, certain certificates therein named, report-

ed the same to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Lea introduced to incorporate a female academy in the town of Marion, in Perry county; which was read a first timer and ordered to a second reading.

Mr Hall offered the following resolution, which was adopted:

Resolved, That the chairman on the committee on the State Bank be instructed to address the Cashier of the State Bank and several branches, requesting them to transmit forthwith to the Senate, the amount of fees, together with the salaries paid their banks attorneys, since the passage of an act allowing them a salary of one thousand dollars.

Mr Andress introduced a bill to be entitled an act to authorize the tax collector for the county of Monroe, to receive jury certificates in payment for taxes due said county; which was read a first time and ordered to a second reading.

Mr Rice introduced a bill to be entitled an act for the relief of Henry Tuttle, late sheriff of Walker county; which was read a first time and ordered to a second reading.

On motion of Mr Terry,

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Thursday next, 3d of December for the purpose of electing a judge of the county court of Greene; also, a judge of the county court of Shelby, a judge of the county court of Monroe county, and a judge for the tenth judicial circuit.

Mr Toulmin introduced a bill to be entitled an act to amend the law in regard to limitations of actions; which was read a first time and ordered to a second reading.

Mr King introduced a bill to be entitled an act regulating the sales of constables; which was read a first time and ordered to a second reading.

On motion of Mr McVay,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of abolishing the office of adjutant general, with leave to report by bill or otherwise.

Mr Toulmin introduced a bill to be entitled an act to reduce the number of directors of the branch of the Bank of the State of Alabama at Mobile, and for other purposes; which was read a first time and ordered to a second reading.

Mr Lea offered the following resolution, which was adopted:

Resolved, That the committee on the State Bank be instructed to inquire of the present President and Directors of the Bank of the State of Alabama, what disposition was made of the proceeds of a bill of exchange drawn by Mark Nicholas, of Perry county, during the latter part of the year 1836 or 1837, and purchased by the Bank; and if they shall find the same was not paid to said Nicholas, or applied to his use, whether justice does not require that the amount paid by him should be refunded; and is not paid, whether he should not be released from the payment thereof, with leave to report by bill or otherwise.

Mr Reese moved to re-consider the vote postponing indefinitely a bill making appropriation for the payment of a claim for the benefit of Robert T. Clyde; which, on motion of Mr Hudson, was laid upon the table.

The Senate then proceeded to the consideration of the special order of the day, the penitentiary code.

Mr Cottrell moved that the following amendment , to the end of the fourth section and seventh chapter, to wit: 'Provided, that arms shall be borne by every citizen in defence of himself, and when so borne shall not be unlawful.

Mr McVay moved to amend the amendment by inserting the word 'openly,' after the word 'borne.'

Mr Rice moved to lay the amendments on the table.

Mr Cottrell called for the yeas and nays. Yeas 20—Nays 9.

Those who voted in the affirmative , are Messrs Alston, Address, Dailey, Dent, Farrar, Hudson, Jones, King, Lea, Lloyd, McConnell, McVay, Phillips, Ross, Smith, Terry, Turner, Wilson of F. and Womack.

Those who voted in the negative , are Messrs President , Clarke, Creagh, Hall, McAllister, Oliver, Rodgers, Toulmin and Wilson of J.

The motion was sustained.

Mr King moved to amend section five , chapter seven, by adding the following to the end thereof, to -wit: 'and be imprisoned in the county jail , not exceeding one year.

Mr Hall demanded the yeas and nays. Yeas 22—Nays 8.

Yeas—Messrs President Alston, Address, Clarke, Daily, Dent, Farrar, Hudson, Jones, King, Lloyd, McAllister, McConnell, Phillips, Rice, Rodgers, Ross, Terry, Toulmin, Turner, Wilson of F. and Womack.

Nays—Messrs Creagh, Hall, Lea, McVay, Oliver, Reese, Smith and Wilson of J.

The amendment was adopted.

Mr McConnell moved the following amendments , to come in after the word 'precincts' in the fifth section of chapter seven, to-wit: 'or vote when he is not legally authorized so to do;' which was adopted.

Mr Rice moved the following , to come in after the amendment of Mr King to the fifth section, to-wit: 'on default of paying said fine and costs;' which on motion of King, was laid on the table.

On motion of Mr Phillips, the words 'or common' were inserted after the word 'true,' in seventh line of section six.

Mr Rice moved to strike out the eighth section and seventh line, all after the word 'dollars;' which on motion of Mr Reese , was laid on the table.

On motion of Mr Alston, the word 'them,' was stricken out in the ninth section of chapter eight, and 'him or them, ' inserted in lieu thereof.

Mr Lea moved to strike out the eleventh section of the eighth chapter; which was lost.

On motion of Mr Rice, the twenty-sixth section of the eighth chapter , was stricken out.

Mr Rice moved to strike out all after the word 'penitentiary,' in the twenty -eighth section of the eighth chapter; which was lost.

Mr Dailey moved to strike out all after the word 'sentence,' in the twenty-ninth section of the eighth chapter ; upon which the yeas and nays were demanded by Mr Dailey. Yeas 10—Nays 17.

Yeas—Messrs Alston, Address, Creagh, Dailey, Dent, Lea, McAllister, Rice, Smith and Toulmin.

Nays—Messrs President , Clarke , Farrar, Hudson, Jones, King, Lloyd, McVay, Oliver, Phillips , Rodgers, Ross, Terry, Turner, Wilson of F. Wilson of J. and Womack.

The Senate refused to strike out.

Mr King moved to strike out the words 'conspiracy to cheat,' in the third line of the thirtieth section and eighth chapter; which was lost.

Mr Alston moved to strike out all after the word 'imposed , ' in the thirtieth section of the eighth chapter ; which was lost.

On motion of Mr Dent, the further consideration of the special order was postponed until to-morrow morning eleven o'clock.

On motion of Mr Dent , the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY , December 1, 1840.

The Senate met pursuant to adjournment.

Mr McAllister presented the account of David L. Hutts ; which on motion was referred to the committee on accounts and claims.

Mr Wilson of F. from the committee on privileges and elections, to which was referred a resolution instructing them to inquire into the expediency of changing the time of holding the general elections of this State, reported that it is inexpedient to legislate upon the subject ; in which the Senate concurred.

Mr Turner, from the committee on roads, bridges and ferries, to which was referred the bill to be entitled an act concerning exemptions from working on the public roads in the county of De Kalb, reported the same back to the Senate, and recommended its passage. The bill was then placed among the orders of the day.

Mr Lea from the committee on internal improvement and inland navigation, to which was referred a resolution instructing them to inquire into the expediency of appropriating thirty thousand dollars out of the three per cent. fund, to complete the clearing out of the muscle shoals in the Tennessee river, reported a bill for that purpose, to be entitled an act to complete the improvement in the muscle shoals in the Tennessee river; which was read a first time and ordered to a second reading.

Mr Toulmin from the committee on military affairs , to whom was referred the Quarter Master General's return , reported the same back to the Senate, and asked to be discharged from the further consideration of the subject. The committee was discharged , and the report laid on the table.

Mr Toulmin from the same committee to which was referred a bill to be entitled an act to incorporate the Prairie Invincibles, in the county of Montgomery, reported that it is inexpedient to legislate upon the subject , as the existing laws authorize the formation of independent companies; in which the Senate concurred.

Mr Terry from the State Bank committee , to which was referred the memorial of Benjamin Sherrod and others, reported the same back to the Senate. The committee was discharged , and the memorial withdrawn by Mr Rice.

Mr Lloyd from the select committee, to which was referred a bill to authorize Henry Haynes to erect a toll bridge across Thompson's creek , reported the same back to the Senate, with the following amendments, to wit: In the fourth line of the second section strike out the word 'ten' and insert 'five:' in the same section strike out all after the word 'erected' in the sixth line to the word 'said' in the eighth line, and insert the word 'on :' in the fifth line to the third section strike out the word 'ten' and insert 'five' to come in at the end of section third 'and provided , however, that the said Henry Haynes shall in no way obstruct the present ford on said creek. ' The amendments were adopted; the bill read a third time and on motion, was referred to a select committee , consisting of Messrs Lloyd, Turner and Dent.

Mr Andress from the committee, to whom was referred a bill to change the time of holding the circuit courts of the first judicial circuit, reported the time back to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

On motion of Mr Hall,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency and propriety of so altering the charters of the State Bank and its several Branches, that only one third of the directors of said bank shall be elected annually, and then be ineligible for one or more years.

Mr Hall offered the following resolution; which was adopted.

Resolved, That the committee elected upon the part of the Senate, to examine the condition of the State Bank and branches, be requested to address the cashier of the branch bank at Montgomery, requesting him to inform the Senate whether or not the accounts of the President and Directors have not been reduced by the substitution of notes, and not by cash.

Mr Hudson offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Saturday, the 5th inst. at the hour of twelve o'clock, noon, for the purpose of electing a Secretary of State, a Comptroller of Public Accounts and a State Treasurer.

Mr McConnell moved to lay the resolution on the table; which was lost.

Mr McConnell moved to amend by striking out the fifth and inserting the twelfth instant; which, on motion of Mr Terry, was laid on the table. The resolution was then adopted.

Mr Jones introduced a bill to be entitled an act to authorize the clerks of the county courts of the several counties of this State to sue on stay bonds in the beat in which the court house is situated; which was read a first time and ordered to a second reading.

Message from the Governor by James D. Bagby, his private secretary.

Mr President—I am instructed by His Excellency the Governor to inform your honorable body that he has approved and signed bills of the following titles, to wit:

An act to incorporate the Torrent Fire Engine company No. 5 of the city of Mobile:

A bill to be entitled an act to change the time of making settlement between the tax collector and commissioners court of Jackson county:

A bill to be entitled an act to appoint a committee of finance in the county of Pike and for other purposes:

A bill to be antitled an act for the support of paupers in the county of Benton:

And a joint memorial of the General Assembly of the State of Alabama to the Congress of the United States in relation to a land district in the Cherokee nation.

All of which originated in the Senate.

The hour of eleven having arrived, that being the hour to which the penitentiary code had been postponed, was on motion of Mr Hudson suspended for the purpose of taking from the table an engrossed bill from the House of Representatives to be entitled an act making appropriations for the payment of certain claims against the State, the bill was taken from the table and the question upon the motion of Mr Reese, to strike out the following words, to wit:

'to Thomas T. Gamage the sum of nine hundred and sixty-four dollars for

sundry articles furnished the volunteers in the United States service during the late Creek Indian war, upon the question of striking out the yeas and nays were demanded. Yeas 18 — Nays 13.

Yeas — Messrs President, Alston, Clarke, Dailey, Dent, Farrar, Lloyd, McVay, Oliver, Reese, Rice, Smith, Terry, Thornton, Toulmin, Turner Wilson of F. and Wilson of J.

Nays — Messrs. Andress, Creagh, Hudson, Hall Jones, King, Lea, McAllister, McConnell, Phillips, Ross, Rodgers and Womack.

The account was stricken out.

Message from the House of Representatives by Mr Phelan.

Mr President — The House of Representatives has passed a bill to change the time of holding the commissioners court of roads and revenue in the county of Henry, in which the concurrence of the Senate is requested.

The bill was read a first time and ordered to a second reading.

On motion of Mr. Oliver the special order of the day was suspended for fifteen minutes.

Mr. Oliver introduced a bill to be entitled an act to authorize the president and board of directors of the Branch of the Bank of the State of Alabama at Montgomery, to allow the attorney just and reasonable compensation, which was read a first time and ordered to a second reading.

Mr. Lea offered the following resolution:

Resolved, That holding evening sessions will tend very much to expedite the business of the session.

Resolved, That hereafter the Senate will hold evening session as long as there is any business upon which they can be employed profitably.

Resolved, That with the concurrence of the House of Representatives, the two houses will adjourn on Saturday the 19 th inst. sine die.

Mr. Turner called for a division of the question: which was taken upon the adoption of the two first resolution: which were adopted.

Mr. Rice moved to lay the last resolution upon the table; upon which the yeas and nays were called. Yeas 9 — Nays 20.

Yeas — Messrs Dailey, Dent, Jones, McAllister, McConnell, Rice, Terry, Turner and Wilson of J.

Nays — Messrs President, Alston, Andress, Clarke, Creagh, Hudson, King, Lea, Lloyd, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Wilson of F. and Womack.

The Senate refused to lay on the table.

Mr. Dailey moved to strike out the 19 th and insert the 21 st in lieu thereof.

Mr. Alston moved to lay the amendment on the table; and the yeas and nays were demanded. Yeas 23 — Nays 3.

Yeas — Messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McVay, Oliver, Phillips, Ross, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Nays — Messrs Dailey, Rice and Rodgers.

The motion prevailed.

The question then recurred upon the adoption of the resolution, and the yeas and nays were demanded.

Yeas — Messrs Alston, Andress, Clarke, Creagh, Farrar, Hudson, King, Lea, Lloyd, McConnell, McVay, Oliver, Phillips, Ross, Toulmin, Wilson of F. and Womack.

Nays — Messrs Dailey, Dent, Jones, McAllister, Rice, Rodgers, Terry, Turner and Wilson of J.

The resolution was adopted.

The Senate then took up the special order.

Mr. Creagh moved the following amendment to the thirty-first section, chapter eight, to come in after 'forty dollars : Provided, that the solicitor, on convicting any person under this act , when there has been no money bet, shall receive on ten dollars.

Which, on motion of Mr Hudson, was laid on the table.

Mr. Dailey moved to strike out 'one hundred' and insert 'fifty', in the thirty-first section of chapter eight, and sixth line; upon which the yeas and nays were demanded. Yeas 5 — Nays 22.

Yeas — Messrs Dailey, Hall, McAllister, McConnell, Rice and Womack.

Nays — Messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lea, Lloyd, McVay, Oliver, Phillips, Rodgers, Ross, Terry, Toulmin, Wilson of F., and Wilson of J.

The Senate refused to strike out.

Mr. Rice moved to strike out one hundred and insert two in the same section, chapter and line; which was lost.

Mr McConnell moved to strike out the thirty-first section of the eighth chapter; which was lost.

Mr. Creagh moved to strike out the thirty-eight section of the eighth chapter; which was lost.

On motion of Mr. Lea, the vote was reconsidered refusing to strike out the thirty-eight section; the section was then stricken out.

Mr. Dailey moved to strike out the forty-third section and called for the yeas and nays. Yeas 2 — nays 26.

Yeas — Messrs Dailey and Hall.

Nays — Messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lea, Lloyd, McAllister, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson, of F., and Wilson of J.

The Senate refused to strike out.

Mr. Hall moved to strike out the words 'life or' in the forty-third section which was lost.

Mr. Dent moved to strike out all after the words 'his case' in the forty-fourth section and eighth chapter, upon which the yeas and nays were demanded. Yeas 13 — Nays 14.

Those who voted in the affirmative, are Messrs President, Alston, Dailey, Dent, Hall, Lea, Lloyd, Oliver, Phillips, Rice, Ross, Terry, and Wilson of F.

Those who voted in the negative, are Messrs Address, Clarke, Creagh, Farrar, Hudson, King, McAllister, McVay, Reese, Rodgers, Smith, Toulmin, Turner and Womack.

On motion of Mr. King, the consideration of the special order, was postponed until three o'clock this evening and made the special order of the hour.

On motion of Mr. Hudson the following resolution was taken from the table, to wit.

Resolved, That during the balance of the session of this General Assembly, that whenever the Senate adjourns, it shall adjourn to half past nine o'clock of following day.

Mr. Hudson moved to strike out all after the word ' Resolved,' in the above resolution and insert the following:

That the Senate shall meet at ten o'clock, A. M., each day, and when they

adjourn it shall be to meet at again three o'clock, P. M. of the same day for an evening session: Provided, that the Senate may adopt a different hour of meeting, and may dispense with evening sessions without giving one day's notice.

On motion of Mr. Turner, the resolution and amendments were laid upon the table.

Mr. Ross introduced a bill to be entitled an act to compensate the commissioners of road and revenue in the county of Wilcox ; which was read a first time and ordered to a second reading.

Mr Dailey introduced a bill to be entitled an act to incorporate Midway Academy in the county of Macon ; which was read a first time and ordered to a second reading.

On motion of Mr. Hudson,

Resolved, That the committee on propositions and grievances, be instructed to inquire into the propriety of taxing bowie knives, dirks, pistols, air guns, & c., and all other instruments called deadly weapons, used and worn as side arms, or in any other secret manner and that they have leave to report by bill or otherwise.

Mr. Reese moved to take from the table the motion to reconsider the vote, postponing indefinitely, a bill making appropriations to Robert T. Clyde. The Senate refused to reconsider.

Mr. Reese moved that when the Senate adjourn, it will adjourn to meet at three o'clock, this evening; which was carried.

The Senate then adjourned.

EVENING SESSION, three o'clock, P.M.

The Senate met pursuant to adjournment, and took up the Criminal Code, that being the special order for that hour.

Mr. King moved to strike out the word 'complaint,' in the second line of the fourth section, and insert in lieu thereof, the word 'complainant;' which, on motion of Mr. Rice, was ordered to lie upon the table.

On motion of Mr Turner, all after the word 'property,' in the third line of the fourteenth section, to the word 'in.' in the fourth line of the same section, was stricken out.

Mr King moved to strike out the words, 'in a manner tending to the disturbance of the peace;' which was lost.

Mr. Jones moved a reconsideration of the vote refusing to strike out the fifteenth section of the eighth chapter; which was lost.

On motion of Mr. Phillips, the word, 'not,' next to the last line of the nineteenth section of the ninth chapter, was stricken out, and the word 'act' inserted in lieu thereof.

Mr. Rice moved to strike out all after the word, 'law, ' in the fifth line of the thirty-second section; which, on motion of Mr. Hudson, was ordered to lie upon the table.

Mr. Dailey moved to strike out the thirty-first section of the ninth chapter; which was lost.

Mr. Clarke moved to reconsider the vote refusing to strike out the thirty-first section; which was lost.

A message from his Excellency, the Governor, by J. D. Bagby.

DECEMBER 1, 1840.

Mr. President — I am instructed by the Governor, to inform you honorable body, that he has approved and signed bills of the following titles, to wit:

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An act to repeal an act authorizing the sheriff of Blount county to serve process issued by justices of the peace:

An act excluding certain lands from the jurisdiction of the corporation of the town of Benton, in the county of Lowndes:

Joint resolutions in relation to the appropriation made by Congress to Hart and Bosworth, and John Hart of Irwinton, Alabama:

And joint resolutions of the Senate and House of Representatives of the State of Alabama in General Assembly convened, requiring the Secretary of State to furnish the printer with copies of the acts, so soon as approved by the Governor:

All of which originated in the Senate.

On motion of Mr Turner, the twelfth section of the tenth chapter was amended by inserting after the word 'attendance' in the seventh line, the following, to wit: 'whereupon he shall be discharged from the fine and cost.'

Mr. Dailey moved to strike out the word, 'fifty,' in the first line of the twelfth section; which was lost.

On motion of Mr Terry the vote taken upon the adoption of Mr Turner's amendment, was reconsidered.

Mr. Hudson moved to lay the amendment upon the table; which prevailed.

Mr. Creagh moved to strike out the words, 'places of residence and occupations,' in the fourth line of the tenth section of the tenth chapter; which on motion of Mr Hudson, was ordered to lie upon the table.

Mr. Hall moved to strike out the word 'fifty,' where it occurs in the first line of the twelfth section of the tenth chapter; and the words, 'one hundred,' where they occur in the third line of the same section, and insert in lieu thereof, the words, 'ten' and 'twenty;' on which the yeas and nays were ordered to be taken. Yeas 9 — Nays 18.

Those who voted in the affirmative, are Messrs Creagh, Dailey, Hall, McAllister, Oliver, Rice, Ross, Smith and Womack.

Those who voted in the negative, are Messrs President, Alston, Address, Clarke, Dent, Farrar, Hudson, Jones, King, Lea, Lloyd, McVay, Phillips, Terry, Thornton, Toulmin, Turner and Wilson of F.

The words were not stricken out.

On motion of Mr. Turner, the twelfth section of the tenth chapter, was amended by adding to the end thereof, the following to wit. "Provided, that if the juror summoned, shall render a sufficient excuse to the court trying the same, he shall be exempted from all cost, when the fine is remitted."

Mr Rice moved to suspend the further consideration of the special order until to-morrow, eleven o'clock, and make it the special order for what hour; which was refused by the Senate.

On motion of Mr. Terry, the word, 'court,' was inserted after the word 'circuit,' where it occurs in the second line of the thirty-first section of the tenth chapter.

On motion of Mr Reese, the further consideration of the special order was postponed until to-morrow morning, eleven o'clock, and made the special order for that hour.

Mr. Reese moved that when the Senate adjourn, it will adjourn until to-morrow morning at ten o'clock; which motion prevailed.

On motion of Mr Hall, the Senate then adjourned to that hour.

SENATE, December 2, 1840

The Senate met pursuant to adjournment.

Mr President laid before the Senate a document containing testimony in relation to the contested election for the county of Sumter; which was referred to the committee on privileges and elections.

Mr Toulmin presented the petition of sundry citizens of the county of Mobile, in relation to sales at auction; which was referred to the committee on propositions and grievances.

Mr Jones presented the petition of sundry citizens of Sumter county in relation to election precincts ; which, on motion, was referred to the committee on privileges and elections.

Mr Hall presented a petition from sundry citizens of Autauga county, in relation to a law on the subject of sixteenth sections; which on motion, was referred to a select committee on enrolled bills, reported as correctly en-

Mr Smith from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to -wit:

An act to divorce Caroline Butts from her husband George W. Butts:

An act to locate the seat of justice of Marion county, and for other purposes.

Mr McAllister from the committee on Indian expenditures, to which was referred the account of Buford & Johnson, assignees of William Y. Pryor, for a horse pressed for State service, under order of General Irwin, during the late Creek war, reported that same as inexpedient, and ought not to be allowed, inasmuch as the Legislature has heretofore refused the payment of all similar accounts, and asked to be discharged.

Which upon motion of Mr Smith, was laid upon the table.

Mr. McAllister from the same committee, to which was referred the account of Spartan Allen for a horse lost in the late Creek war reported the same back to the Senate as inexpedient, and ought not to be paid, inasmuch as the Legislature has refused heretofore the payment of similar claims, and asked to be discharged from the further consideration of the same.

The report and account was, on motion of Mr Clarke, laid upon the table.

Mr Turner from the committee on roads, bridges and ferries, to which was referred a bill to be entitled, an act to compensate the commissioners of roads and revenue, in the county of Dale, and for other purposes, reported the same back to the Senate and recommended its passage. The bill was placed among the orders of the day.

Mr. Lea from the committee on internal improvement and inland navigation, to which was referred a bill to be entitled an act to improve that portion of the Bigby river above its junction with the Warrior, not heretofore embraced in any act for the improvement of the navigation of the Bigby river, reported the same with sundry amendments as follows, to-wit: in the second line of the seventh section strike out the word 'twenty,' and insert 'ten' after the word 'of' in the fourth line of the same section insert the words the net profits arising from the' before the word 'three.' The amendments were adopted, and the bill was read the second time and ordered to be engrossed for a third reading.

Mr. Jones from the select committee, to whom was referred a resolution of inquiry into the expediency of altering or repealing the laws on the subject of change of venue in criminal cases, reported a bill for that purpose and recommended its passage.

A bill to be entitled an act to repeal so much of the venue laws of this State

as relates to criminal cases; which was read a first time and ordered to a second reading.

Mr. Terry presented a communication from the cashier of the Branch of the Bank of the State of Alabama at Mobile, transmitting the indebtedness of Harry I. Thornton, Senator from the county of Greene, to that institution; which was laid upon the table.

Mr. Womack offered the following resolution:

Resolved, That no smoking, either with the pipe or cigar, be allowed within the Senate chamber from and after this date; which was ordered to lie over for one day.

Mr. Creagh offered the following resolution, which was adopted:

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of passing a law, making it the duty of the President and Directors of the State Bank and Branches not to discount any paper that has a longer time to run than four months before the same shall fall due, and that they report by bill or otherwise.

The Senate took up the general orders of the day.

A bill to be entitled an act to establish a Board of Physicians, in the town of Jacksonville, was read a second time and on motion of Mr. Clarke, referred to a select committee, consisting of Messrs Clarke, McDonnell and Dailey.

A bill to be entitled an act for the relief of Andrew J. Dozier, was read a second time, and on the question of ordering it to be engrossed for a third reading, the yeas and nays were demanded. Yeas 16 — Nays 15.

Yeas — Messrs Andress, Clarke, Creagh, Hall Jones, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Terry, Thornton, Toulmin and Womack.

Nays — Messrs President, Alston, Dailey, Dent, Farrar, Hudson, King, Lloyd, McVay, Rice, Rodgers, Ross, Smith, Wilson of F. and Wilson of J.

The bill was ordered to be engrossed.

Message from the House of Representatives, by Mr. Phelan:

Mr. President — The House of Representatives has concurred in the resolution of the Senate, proposing that the two Houses assemble in the Hall of the House, on Thursday next, at twelve o'clock noon, for the purpose of electing a judge of the county court of Greene county, a judge of the county court of Shelby county, a judge of the county court of Monroe county, and a judge of the tenth judicial circuit, and has amended the same by striking out a judge of the county court of Shelby county and a judge of the tenth judicial circuit, and adding a judge of the county court of Baldwin county; in which the concurrence of the Senate is requested.

Mr. Creagh moved to lay the message on the table, and called for the yeas and nays — Yeas 17 — Nays 14.

Yeas — Messrs President, Alston, Clarke, Creagh, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Reese, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Nays — Messrs Andress, Dailey, Dent, King, Lea, McConnell, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Thornton and Womack.

The message was laid upon the table.

Mr. Oliver moved to reconsider the vote ordering a bill making appropriations for the payment of certain claims against the State.

The hour of eleven having arrived, the time appointed for the consideration of the special order of the day,

On motion of Mr. Phillips, the special order was postponed for five minutes.
That time having elapsed,
Mr Rice moved to suspend for ten minutes, which was lost.
The Senate then took up the special order.

Mr King moved the following amendment to the thirty-fourth section, tenth chapter, to wit: strike out the word 'one' when it occurs and insert 'five'

Mr Rice moved to lay the amendment on the table; which was lost, and the amendment adopted.

Mr Alston moved to insert 'court,' after the word 'circuit,' in the fortieth section, tenth chapter.

On motion of Mr Terry, the word 'county' was inserted in the last line of the forty-eighth section of the tenth chapter, before 'Treasurer.'

On motion of Mr Terry, the word 'so,' was inserted in the fiftieth section of the tenth chapter, and fourth line, between the words 'become,' and 'un well.'

On motion of Mr Terry, all after the word 'commencing' in the fifty-third section of the tenth chapter, was ordered to be stricken out.

Message from the Governor, by J. D. Bagby:

EXECUTIVE DEPARTMENT }

December 2, 1840 }

Sir — I have the honor to inform the Senate, that a vacancy has offered in the Board of Trustees of the University of Alabama, occasioned by the resignation of the Honorable Thompson M. Rector, of the fifth judicial circuit.

(Signed) A. P. BAGBY

Hon. J. L. F. Cottrell, President of the Senate.

Mr. King moved to strike out ' or a term of years' in the fourth line, fifth section, eleventh chapter,

Which, on motion of Mr Jones, was laid upon the table.

Mr Rice moved to strike out the words ' or any other place than the penitentiary or the common jail of the county,'

Which, on motion of Mr Hudson, was laid upon the table.

On motion of Mr Thornton, 'un' was stricken out before 'lawfully' in the thirtieth section and twelfth chapter.

Mr Alston moved to strike out the word 'five' in the thirty-sixth section, and insert the word 'nine,' which was lost.

Mr Alston moved the following, to come it at the end of the thirty-sixth section: 'and shall be imprisoned in the county jail twelve months;' upon the adoption of which, the yeas and nays were desired. Yeas 18 — Nays 11.

Yeas — Messrs President, Alston, Clarke, Dent, Farrar, Jones, King, Lea, Lloyd, McAllister, Oliver, Phillips, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Nays— Messrs Andress, Creagh, Dailey, Hudson, Hall, McVay, Rice, Rodgers, Ross, Toulmin and Womack.

The amendment was adopted.

On motion of Mr Terry, the further consideration of the special order was postponed until half-past three o'clock this evening.

On motion of Mr Terry, the use of the Senate Chamber was granted to the Electors this evening, for the purpose of casting the vote for President and Vice President of the United States.

Mr. Terry moved that when the Senate adjourn, adjourn to meet again at half-past three o'clock this evening; which motion prevailed.

On motion of Mr Rice the Senate adjourned.

The Senate met pursuant to adjournment.

On motion of Mr McConnell, the special order was suspended for five minutes.

Mr McConnell introduced a bill to be entitled an act to remove the Branch of the Bank of the State of Alabama at Decatur, from its present location; which was read a first time and ordered to a second reading.

Mr. Andress introduced a bill to be entitled an act requiring the judge of the county court of Monroe county, to reside at or within five miles of the court house of said county; which was read a first time and ordered to a second reading.

Mr. Dailey offered the following resolution, which was adopted:

Resolved, That the committee on retrenchment be requested to inquire into the propriety of repealing the law, making it obligatory on physicians in certain cases to undergo an examination as constituted by the laws of the State: and also in the propriety of abolishing the law establishing such board of physicians.

Mr Wilson of F. from the committee on privileges and elections, to which was referred a bill to be entitled an act to prevent frauds in elections, reported that they have amended the same by striking out the word, 'to,' in the first section and ninth line, and recommended its passage. The amendment was concurred in.

Mr Wilson of F. offered the following amendment to the end of the fifth section: 'Provided, the provision of this section, shall not apply to any executive, judicial or legislative officer, when necessarily absent from his residence on the duties of his office;' which was adopted. The bill was then read a second time and ordered to be engrossed for a third reading.

The Senate then took up the special order.

On motion on Mr Phillips, the word 'or,' in the last line of the first section, fifteenth chapter, was stricken out, and the word; 'and,' inserted in lieu thereof.

Mr Creagh moved to strike out the words, 'cotton in the heap to the value of one hundred dollars,' in the fifth section, fifteenth chapter; which was lost.

Mr Creagh moved to strike out the words, 'one half,' in the seventeenth line of the nineteenth section and fifteenth chapter, and called for the yeas and nays. Yeas 14 — Nays 15.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hudson, Hall, King, Lea, McAllister, Phillips, Reese, Terry, Thornton, Toulmin and Wilson of F.

Those who voted in the negative, are Messrs Alston, Andress, Dailey, Dent, Farrar, Jones, Lloyd, McVay, Oliver, Rodgers, Ross, Smith, Turner, Wilson of J. and Womack.

The Senate refused to strike out.

Mr. Cottrell moved to strike out the fifty-first section of the fifteenth chapter; which, on motion of Mr King, together with the code, was postponed until to-morrow morning, eleven o'clock, and the special orders for that hour.

Mr. Hudson, from the committee on roads, bridges and ferries, to whom was referred a resolution instructing them to inquire into the expediency of so altering and amending the law regulating the payment of claims of the overseers of roads for measuring the same and putting up mile posts thereon, so as to compel the county treasurer to pay them out of the county treasury, as other

claims are paid; as well those that have heretofore been presented, at those that may hereafter be presented, and that have leave to report by bill or otherwise, reported a bill to be entitled an act for the payment of claims of overseers of roads in the different counties in this State; which was read a first time and ordered to a second reading on to-morrow.

Mr Ross introduced a bill to be entitled an act in relation to the sixteenth section, in township ten of range five west, in the county of Wilcox; which was read a first time and ordered to a second reading.

Mr Lea, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of altering the law in relation to bank executions, as therein named, reported a bill to be entitled an act for the protection of securities in certain cases, and recommend its passage: which was read a first time and ordered to a second reading on to-morrow.

Mr Reese moved that when the Senate adjourn, it will adjourn until to-morrow ten o'clock, A. M. ; which was carried.

Mr McVay presented the memorial of the President and Directors of the Florence Bridge Company; which was referred to the committee on internal improvement and inland navigation.

Mr Reese moved to adjourn, which was lost.

Mr Hall offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of abolishing the law now in force authorizing the appointment of public weigher in this State, with leave to report by bill or otherwise.

Which was adopted.

On motion of Mr Phillips, the Senate then adjourned.

DECEMBER 3, 1840.

The Senate met pursuant to adjournment.

Mr Hudson presented the account of Alfred Harrison; which was referred to the committee on accounts and claims.

Mr. Clarke, from the select committee, to which was referred a bill to be entitled an act to establish a board of physicians in the town of Jacksonville, reported the same to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

On motion of Mr Hudson,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of passing a law making turnpike roads and toll bridges transferable property, with leave to report by bill.

On motion of Mr Dent,

Resolved, That the judiciary committee be instructed to inquire whether of not the relief law, so called, passed at the last sessions of the legislature, entitled an act better to secure the debts of the State Bank and its several Branches, relieves Bank Directors from that part of the law, which declares the seat of any Director vacant who is under protest for ten days, on his own account or as security for another.

Mr Ross introduced a bill to be entitled, an act concerning deeds; which was read a first time, and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled, an act to amend the law in relation to sales at auction, in the city and county of Mobile; which was read the first time: the constitutional rule being dispensed with, read a second time, and referred to the committee on propositions and grievances.

Mr McVay introduced a bill to be entitled, an act to authorize the Presi-

dent and Directors of the Florence Bridge Company, to establish rules; which was read a first time, and ordered to a second reading.

Mr Hall introduced a bill to be entitled, an act for the relief of James R. Powell: which was read a first time, and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled, an act to create a sinking fund for the redemption of the five per cent. bonds issued by the State of Alabama ; which was read a first time, and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled, an act to restrict the several corporation in the State of Alabama; which was read a first time, and ordered to a second reading.

On motion of Mr Ross,

Resolved, That the judiciary committee be instructed to inquire into the expediency of reducing the fees of sheriffs of several counties of this State, and that they report by bill or otherwise.

Mr. Smith offered the following resolution , which was adopted:

Resolved, That the committee on the State Bank, be instructed to inquire into the expediency of appointing one or more suitable persons in each county in this State, for the purpose of recommending paper for renewal or discount to the State Bank or either of its Branches, with leave to report by bill or otherwise.

Mr. Smith introduced a bill to be entitled, an act to better regulate the se-
curement and collection of debts due the Bank of the State of Alabama, and the several Branches; which was read a first time, and ordered to a second reading.

The Senate took up the motion of Mr Oliver, Made yesterday, proposing to reconsider the vote, on ordering a bill to be entitled, an act making appropriations for certain claims against the State of Alabama: upon which the yeas and nays were demanded. Yeas 15 — Nays 15.

Those who voted in the affirmative, are Messrs Andress, Creagh, Farrar, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, Oliver, Phillips, Ross, Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Alston, Clarke, Dailey, Dent, Hudson, McVay, Reese, Rice Rogers, Smith, Terry Toulmin, Turner, and Wilson of F.

The Senate refused to reconsider.

The Senate then proceeded to the consideration of the general orders of the day.

Engrossed bill to be entitled, an act to authorize the election of an assessor and tax collector for the county of Cherokee, was read a third time and passed.

Ordered, that the title remain as aforesaid.

On motion of Mr. Terry, the orders of the day were then suspended.

On motion of Mr Creagh, the message from the House of Representatives, proposing to go into certain election, was taken from the table.

Mr Creagh then moved to strike out a judge of the county court of Baldwin county; which was carried.

Ordered, that the Secretary acquaint the House therewith, and that they be respectfully requested to recede from their amendment.

Message from the House of Representatives, by Mr Phelan:

Mr President — The House of Representatives has passed bill of the following titles, to wit:

An act for the relief Thomas Casey and others, amended as therein shown.

An act to repeal two act therein named, so far as they relate to the revenue of Marshall county, and for other purposes;

An act to attach a part of the county of Wilcox to the county of Butler:

An act to regulate taxation for the county of Henry:

An act making appropriations for the payment of certain claims against the State:

An act to authorize and compel the tax collector for the county of Covington, to receive in payment of taxes due said county, jury ticket, for services rendered in the circuit or county courts and for other purposes:

An act to raise a fund for the payment of jurors in the county of Pike:

An act to alter the mode of assessing and collecting the taxes in Henry and Dale counties:

An act to amend an act to incorporate the Firemen's Insurance Company, of Mobile:

An act to authorize the election of an assessor and tax collector for the county of Cherokee.

An act to divorce William G. Haun from his wife Catherine Haun:

An act to amend an act to incorporate the town of Columbiana, in the county of Shelby:

An act to limit the circuit court to three weeks in the county of Talladega:

Which originated in the House of Representatives, and in which the concurrence of the Senate is requested.

The question was taken upon the amendment made by the House of Representatives to the bill to be entitled an act for the relief of the Thomas Casey and others, on which the yeas and nays were demanded. Yeas 20 — Nays 9.

Yeas — Messrs President, Address, Clarke, Creagh, Dailey, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, Oliver, Phillips, Reese, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Nays — Messrs Alston, Dent Hudson, McVay, Rice, Rodgers, Ross, Smith and Wilson of F.,

The amendment was concurred in.

Engrossed bills from the House of Representatives of the following titles, to wit:

A bill to repeal two acts therein named, so far as they relate to the revenue of Marshall county and for other purposes:

A bill to attach a part of the county of Wilcox to the county of Butler:

A bill to regulate taxation in the county of Henry:

A bill making appropriations for the payment of certain claims against the State:

A bill to authorize and compel the tax collector for the county of Covington to receive in payment of taxes due said county, jury tickets for services rendered in the circuit and county courts and for other purposes:

A bill to raise a fund for the payment of jurors in the county of Pike:

A bill to alter the mode of assessing and collecting taxes for Henry and Dale counties:

A bill to amend an act to incorporate the Firemen's Insurance Company of Mobile:

A bill to authorize the election of an assessor and tax collector for the county of Cherokee:

A bill to amend an act to incorporate the town of Columbiana in the county of Shelby, approved, December 5, 1887:

A bill to divorce Wm. G. Haun, from his wife Catharine Haun:

And a bill to limit the session of the circuit court to three weeks in the county of Talladega, were severally read a first time and ordered to a second reading.

Engrossed bill from the House of Representatives to be entitled an act to authorize and tax collectors for the counties of Marshall and Talladega to receive jury certificates in payment of taxes due said counties, was read a second time.

On motion of Mr Reese is was referred to a select committee consisting of Messrs Reese, Smith and McConnell:

Message from the House of Representatives.

Mr President—The House of Representatives has concurred in the resolution of the Senate, proposing that the two Houses assemble in the Hall of the House, on Saturday next, at twelve o'clock noon for the purpose of electing a Secretary of State, a Comptroller of Public Accounts and a State Treasurer.

The Senate then proceeded to the consideration of the special order of the day, that being the criminal code.

Mr Oliver moved to reconsider the vote taken on yesterday, refusing to strike out the word, 'one half' in the nineteenth section of the fifteenth chapter.

The question was then taken on striking out said word, upon which the yeas and nays were demanded.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hudson, Hall, Lea, McAllister, Oliver, Phillips, Reese, Ross, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.—18.

Those who voted in the negative, are Messrs Alston, Andress, Dailey, Dent, Farrar, Jones, Lloyd, McConnell, McVay, Rice, Rodgers and Smith.—12.

The words were stricken out.

The question was then taken on Mr Cottrell's amendment offered yesterday proposing to strike our the fifty-first section of the tenth chapter, upon which the yeas and nays were demanded. Yeas 19—Nays 11.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dailey, Hall, King, Lea, McAllister, McConnell, Phillips, Reese, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F., and Wilson of J.

The section was stricken out.

Mr Turner moved to amend the nineteenth section of the fifteenth chapter by inserting the words 'two thirds' in lieu of 'one half,' which had been stricken out by a former amendment, upon which the yeas and nays were demanded--Yeas 10—Nays 21.

Those who voted in the affirmative are, Messrs Alston, Dailey, Dent, Jones, King, McVay, Oliver, Reese, Rodgers, and Turner.

Those who voted in the negative are Messrs President, Andress, Clarke, Creagh, Farrar, Hudson, Hall, Lea, Lloyd, mcAllister, McConnell, Phillips, Ross, Rice, Smith, Terry, Thornton, Toulmin, Wilson of F. Wilson of J. and Womack.

Message from the House of Representatives by Mr Phelan.

Mr President—The House of Representatives receded from its amendment proposing to elect a judge of the county court of Baldwin county this day at twelve o'clock; which was laid on the table.

Mr Dailey moved to amend the fourteenth section of the third chapter, by striking out all after the word 'shall' and insert 'suffer death,' upon the adoption of which the yeas and nays were demanded. YEAS 4—NAYS 25.

YEAS—Messrs President, Dailey, Lea and McVay.

NAYS- Messrs Alston, Address, Clarke, Creagh, Farrar, Hall, Hudson, Jones, King, Lloyd, McAllister, McConnell, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

The Senate refused to adopt the amendment.

On motion of Mr Lea the following amendment was added to the end of the thirty-ninth section of the twelfth chapter, to wit: 'but the court may in all cases previous to a trial and conviction, for any offence, on a full and fair hearing under a writ of habeas corpus admit the party accused to bail, if circumstances justify bail in the sound discretion of the court.

Mr Phillips moved to strike out the forty-fifth section of the eighth chapter: which was lost.

Mr Oliver moved to strike out 'in the penitentiary for two years' and insert in the county jail for six months;' strike out penitentiary and insert the same in the twenty-fifth section of the fifteenth chapter, upon the adoption of which the yeas and nays were demanded. Yeas 5—Nays 22.

YEAS—Messrs Clarke, Farrar, Hall, Oliver, and Ross.

NAYS—Messrs President, Alston, Address, Creagh, Dent, Hudson, Jones, King, Lea, Lloyd, McAllister, McVay, Phillips, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

The amendment was lost.

Message from the House of Representatives by Mr Garrett:

Mr President—I am instructed by the House of Representatives to invite the Senate into the Hall of the House for the purpose of electing by joint vote, a judge of the county court of Greene county and a judge of the county court of Monroe county.

The Senate then repaired to the hall of the House were seated, and Mr President, announced the object of the convention of the two Houses.

The two houses then proceeded to the election of a judge of the county court of Greene county—Messrs SAMUEL W. INGE, SYDENHAM MOORE, and WM. F. PIERCE, being in nomination.

Those who voted for Mr INGE, are Messrs Alston, Address, Dent, King, Lea, McConnell, Oliver, Phillips, Rice, Thornton, and Womack, of the Senate; Messrs Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Broughton, Davenport, Davis of B. Doster, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Walker of B. and Womack, of the House of Representatives. —54.

Those who voted for Mr MOORE, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hall, Jones, Lloyd, McVay, Reese, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Speaker, Adams, Adrian, Baker, Blackshear, Blair, Clemens, Cobb, Crenshaw, Davis of L., Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Hughes, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Provence, Pynes, Randolph, Rice, Roberts, Saunders, Smith of J. Strode, Wann, Williams, and Wynn, of the House of Representatives. —53.

Those who voted for MR PIERCE, are Messrs Hudson, McAllister, Rodgers and Ross, of the Senate: Messrs Bowen, Davis of A., Dixon, McAlpin, Morris, Reynolds, Walker of L. Wilson, Winston of DeK. Winston of S. and Young, of the House of Representatives—15.

Neither having received a majority of the votes given, the two houses proceeded to vote a second time.

Those who voted for MR INGE, are Messrs Alston, Address, Dent, King, Lea, McConnell, McVay, Oliver, Phillips, Rice, Ross, Thornton and Womack, of the Senate; Messrs Alexander, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Doster, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Walker of B. Womack and Young, of the House of Representatives.

Those who voted for Mr. Moore, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Reese, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs. Speaker, Adams, Adrian, Baker, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Hughs, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Mation, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Strode, Wann, Williams, Wilson, Winston of DeK. and Wynn, of the House of Representatives.

Messrs Walker of L. and Winston of S. voted for Mr PIERCE.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote a third time. The name of Mr PIERCE having been withdrawn.

Those who voted for MR INGE, are Messrs Alston, Address, Dent, King, Lea, McConnell, McVay, Oliver, Phillips, Rice, Ross, Thornton, and Womack, of the Senate; Messrs Alexander, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Crenshaw, Davenport, Davis of B. Doster, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Walker of B. Womack and Young, of the House of Representatives—60.

Those who vote for Mr MOORE, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Reese, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F., and Wilson of J. of the Senate; Messrs Speaker, Adams, Adrian, Baker, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Hughs, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of J. Strode, Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—62.

Mr MOORE having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Greene county.

The two houses next proceeded to the election of a judge of the county court of Monroe county—ASA PARKER alone in nomination, and having received one hundred and fifteen votes, that being the whole number given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Monroe county.

The Senate returned, Mr President resumed his chair, and the Senate proceeded to business.

Mr Smith offered the following amendment: strike out all after 'shall be' in the third line of the thirtieth section, chapter third, and insert 'shall be fined in a sum not exceeding two thousand dollars, and may be imprisoned in the county jail not exceeding twelve months, or both at the discretion of the court.'

Mr Rice moved that the amendment be indefinitely postponed, which was lost.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President, Alston, Dent, Hudson, Lloyd, McVay, and Rice—7.

Those who voted in the negative are, Messrs Clarke, Creagh, Dailey, Farrar, Hall, Jones, King, Lea, McAllister, Oliver, Phillips, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack—20.

Mr Rice moved to lay the amendment on the table; which was lost.

The question recurred upon the adoption of the amendment, upon the yeas and nays were demanded. Yeas 13—Nays 16.

Those who voted in the affirmative, are Messrs Clarke, Creagh, Farrar, King, Lea, McAllister, Oliver, Phillips, Rodgers, smith, Turner, Wilson of F. and Womack.

Those who voted in the negative, are Messrs President, Alston, Dailey, Dent, Hudson, Hall, Jones, Lloyd, McVay, Reese, Rice, Ross, Terry, Thornton, Toulmin, and Wilson of J.

The amendment was not adopted.

Mr Turner moved to amend the fourth section of chapter four, by striking out the words 'and in the discretion of the court may,' 'and on failure to pay the damages and costs shall,' upon the adoption of which, there were Yeas 14—Nays 13.

Those who voted in the affirmative are Messrs Creagh, Dent, Hall, Jones, King, Lea, McAllister, Oliver, Rice, Smith, Thornton, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Clarke, Dailey, Farrar, Hudson, Lloyd, McVay, Rodgers, Ross, Terry, Toulmin, and Womack.

The amendment was adopted.

Mr Hall moved that when the Senate adjourn, it adjourn until to-morrow morning ten o'clock, upon which motion, there were Yeas 10—Nays 18.

Those who voted in the affirmative are, Messrs Address, Dent, Hall, Lea, McAllister, Phillips, Reese, Rice, Terry, and Turner.

Those who voted in the negative, are Messrs Alston, Clarke, Creagh, Dailey, Farrar, Hudson, Jones, King, Lloyd, McVay, Oliver, Rodgers, Ross, Smith, Thornton, Toulmin, Wilson of F. and Wilson of J.

The motion was lost.

Mr -----moved to postpone the further consideration of the special order until half past three o'clock this evening, which prevailed.

Mr Dent moved that when the Senate adjourn it do adjourn until half past-three o'clock this evening.

Mr Turner moved to amend by substituting half after nine to morrow morning in lieu of half after three this evening, upon which there were Yeas 9--Nays 21.

Those who voted in the affirmative, are Messrs Andress, Dent, Hall, Lea, McVay, Reese, Rice, Turner, and Wilson of J.

Those who voted in the negative, are Messrs President, Alston, Clarke, Creagh, Dailey, Farrar, Hudson, Jones, King, Lloyd, McAllister, Oliver, Phillips, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Wilson of F. and Womack.

The motion of was lost.

Mr Rice moved to amend by substituting, 'five minutes after ten o clock to-morrow morning;' upon which there were Yeas 13--Nays 18.

Those who voted in the affirmative, are Messrs Andress, Dent, Hall, Lea, Lloyd, McAllister, McConnell, Phillips, Reese, Rice, Thornton, Turner, and Wilson of J.

Those who voted in the negative, are Messrs President, Alston, Clarke, Creagh, Dailey, Farrar, Hudson, Jones, King, McVay, Oliver, Rodgers, Ross Smith, Terry, Toulmin, Wilson of F. and Womack.

The motion to amend was lost.

The question then recurred upon the motion of Mr Dent, which prevailed.

On motion of Mr Phillips, the Senate then adjourned.

EVENING SESSION, half past three, P.M.

The Senate met pursuant to adjournment.

Mr Daily moved to strike out after 'be granted' in the third line of chapter fourteen, all to the word 'in' in the thirteenth line, inclusive upon the adoption of which, the yeas and nays were called by Mr Dailey.

Mr Dailey alone voted in the affirmative.

Those who voted in the negative, are Messrs President, Alston, Andress, Clarke, Creagh, Farrar, Hudson, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Reese, Rice, Rodgers, Ross, Smith, Terry, Turner, Thornton, Toulmin, Wilson of F. Wilson of J. and Womack.

The amendment was lost.

On motion of Mr Thornton the vote was reconsidered refusing to strike out the last section of the eighth chapter, and the section was stricken out.

Mr Dailey moved to strike out section twenty-three, of chapter fifteen, and the yeas and nays were demanded. Yeas 2--Nays 29.

Those who voted in the affirmative are Messrs Dailey and Hall.

Those who voted in the negative, are Messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lea, McAllister, Lloyd, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

The amendment was lost.

On motion of Mr Hudson, the amendments reported by the committee on the judiciary, were taken from the table, striking out the twenty-eighth section of chapter fifteen, and inserting in lieu thereof; which were adopted.

Mr Dailey offered the following amendment, to come in at the end of the first chapter, to wit:

Resolved, That it is inexpedient and unnecessary to elect, at present, more than the following officer for the penitentiary, to wit: a warden and inspector.

who may, if they deem it necessary, employ, whose salary shall not exceed three hundred and fifty dollars, overseers, guards, and turnkeys, shall be employed, as necessity requires, to be paid as directed in the preceding sections, and moreover the salary of the warden shall only be one thousand dollars, that of the inspector, five hundred dollars, and a physician shall be employed by the warden, as occasion requires, to be paid the common fees of physicians.'

Mr Andress called for the previous question; on the question 'shall the main question be now put?' the yeas and nays were demanded. Yeas 15–Nays 16.

YEAS- Messrs Alston, Andress, Dent, Hall, King, McConnell, Phillips, Reese, Rice, Smith, Thornton, Toulmin, Turner, Wilson of J. and Womack.

NAYS–Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Jones, Lea, Lloyd, McAllister, McVay, Oliver, Rodgers, Ross, Terry, and Wilson of F.

The previous question was not sustained.

Mr Hudson moved to postpone the amendment of Mr Dailey indefinitely.

Mr Hall moved to amend by striking out the words 'one thousand,' and insert 'two;' which was lost.

Mr Hall moved to postpone the bill, together with the amendments until the twenty-fifth day of December, upon which the yeas and nays were demanded.

YEAS–Messrs Andress, Creagh, Farrar, Hall, Lea, McAllister, Phillips, Reese, Ross, Wilson of F. and Womack.–11.

NAYS–Messrs President, Alston, Clarke, Dailey, Dent, Hudson, Jones, King, Lloyd, McConnell, McVay, Oliver, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J.–20.

The motion was lost.

The question then recurred upon the motion to postpone the amendment indefinitely, and the yeas and nays were demanded. Yeas 15–Nays 16.

YEAS–Messrs Alston, Clarke, Dent, Hudson, Hall, Jones, King, McConnell, Rice, Smith, Thornton, Toulmin, Turner, Wilson of J. and Womack.

NAYS–Messrs President, Andress, Dailey, Farrar, Lea, Lloyd, McAllister, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Terry and Wilson of F.

The Senate refused to postpone.

Mr Creagh offered the following amendment, to come in before the word 'following,' striking out all before, to wit: 'Provided, there shall be elected during the present session and for the first year only: which was lost.

The question was then taken upon the adoption of the amendment. The yeas and nays were demanded. Yeas 9–Nays 22.

YEAS–Messrs President, Creagh, Dailey, Farrar, Lloyd, Oliver, Reese, Ross and Wilson of F.

NAYS–Messrs Alston, Andress, Clarke, Dent, Hudson, Hall, Jones, King, Lea, McAllister, McConnell, McVay, Phillips, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

The amendment was lost.

Mr President announced that the bill had received two readings.

The bill was considered as engrossed.

On motion of Mr Hudson, the constitutional rule requiring bills to be read on three several days, was dispensed with: the bill was read a third time, and on its passage, the yeas and nays were demanded. Yeas 18–Nays 12.

YEAS–Messrs Alston, Clarke, Dent, Hudson, Jones, King, Lloyd, McConnell, McVay, Oliver, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner and Wilson of J.

NAYS— Messrs President, Address, Creagh, Dailey, Farrar, Hall, Lea, McAllister, Phillips, Ross, Wilson of F. and Womack.

The bill was passed. Ordered that its title remain unchanged.

Mr Rice offered the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened. That hereafter accounts against the State shall be submitted duly to the comptroller of public accounts, which duty it shall be to audit the same, and report them so audited to the chairman of the committee on accounts to either House of the General Assembly, and no account shall be presented in the first instance, to either House; which was read a first time.

On motion of Mr McConnell, it was laid on the table.

Mr Womack called up his resolution, which had been ordered to lie over one day, prohibiting smoking in the Senate.

Mr Wilson of F. offered to amend by adding 'or chewing tobacco, or eating goober peas.'

Mr Hudson moved to amend the amendment by adding 'or chestnuts or apples;' which was lost.

The question was then taken upon the amendment of Mr Wilson of F. and was lost.

Mr Hall moved to indefinitely postpone the resolution: which prevailed.

Mr Reese moved that when the Senate adjourn, it will adjourn until to-morrow morning ten o'clock: which was carried.

The Senate then, on motion of Mr Rice, adjourned.

FRIDAY, Dec. 4, 1840.

The Senate met pursuant to adjournment.

Mr Dailey offered the following protest, which was ordered to be spread upon the journal of the Senate, to wit:

I solemnly protest against the passage of the law, as embraced in the fourteenth section of chapter third, of the penitentiary code, because the punishment contemplated to be inflicted for such offences, is disproportionate to the heinousness of the crime, and because of the insecurity given by its passage, against the most outrageous and unhallowed aggressions on female innocence and virtue, in said code of laws: inasmuch as the pardoning power here vested in the executive leaves it possible for the most atrocious crime to be punished only seven years.

[Signed] SAMUEL C. DAILEY.

Mr Oliver presented the memorial of the commissioners of the sixteenth section of township seventeen, and range twenty, of the county of Montgomery; which was read and referred to the committee on education.

Mr Terry presented a petition from sundry citizens of township two, range six, west, in the county of Limestone, the reading of which was dispensed with, and on motion referred to the committee on education.

Mr Smith from the committee on enrolled bills, reported as correctly enrolled:

A bill to be entitled an act for the relief of Thomas Casey, and others.

Mr Resse from the select committee, to which was referred an engrossed bill from the House of Representatives to be entitled , an act to authorize the tax collector of Marshall, Chambers, and Talladega, to received jury certificates in payment of taxes due said counties, reported the same back to the Senate, amended, by striking out the word 'she' in the fourth line, and insert 'shall'

and recommended its passage. The Senate concurred in the amendment.

On motion of Mr Clarke, the word 'Benton' was added after 'Cherokee.'

The bill was then read a second time, and ordered to a third reading.

Mr Rice introduced a bill to be entitled an act to change the time of holding the county court of Morgan county, which was read a first time, and on motion of Mr Rice, the constitutional rule was dispensed with, and the bill was read a second time and ordered to be engrossed for a third reading.

Mr Dailey offered the following resolution, which was adopted:

Resolved, That the committee on military affairs be requested to inquire into the propriety of giving the major generals and staff officers, a per diem allowance in certain cases when attending camp musters, and that they report by bill or otherwise.

Mr Smith offered the following resolution, which was adopted:

Resolved, That the committee on education be instructed to inquire into the propriety of a law allowing pay to the commissioners of the several sixteenth sections of this State, with leave to report by bill or otherwise.

Mr Clarke introduced a bill to be entitled an act to enlarge the discretion of the directory of the Bank of the State of Alabama and its several branches: which was read a first time.

On motion of Mr Dent, the constitutional rule was dispensed with, and the bill was read a second time, and on motion, referred to the committee on the State Bank.

On motion of Mr McConnell,

Resolved, That the House of Representatives be respectfully requested to cause to be transmitted to the Senate, the minority report and accompanying documents made by Howell Rose, one of the commissioners appointed by the Governor to examine the Branch Bank at Montgomery.

On motion of Mr Lea, an engrossed bill to be entitled an act requiring the judge of the county of Shelby, to reside at or within three miles of the court house, was ordered to be taken from among the orders of the day, and read a second time.

Mr Hall moved to lay the bill on the table, which was lost.

Mr Terry moved to amend the bill by striking out the word "Shelby," and insert 'each county in this State,' upon the adoption of which, the yeas and nays were demanded. Yeas 11–Nays 18.

Those who voted in the affirmative are Messrs President, Clarke, Creagh, Jones, McConnell, Reese, Rice, Rodgers, Terry, Turner, and Wilson of F.

Those who voted in the negative, are Messrs Alston, Address, Dailey, Dent, Hudson, Hall, King, Lea, Lloyd, McAllister, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Wilson of J. and Womack.

The Senate refused to adopt the amendment.

Mr Jones moved to postpone the bill indefinitely, upon which there were yeas 15–Nays 14.

YEAS- Messrs President, Clarke, Creagh, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, Rice, Terry, Tolumin, Turner, Wilson of F. and Wilson of J.

NAYS- Messrs Alston, Address, Dailey, Dent, King, Lea, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Thornton, and Womack.

The bill was indefinitely postponed.

On motion of Mr Rice, the resolution proposing that during the balance of the session of this General Assembly, when the Senate adjourn it will adjourn to half after nine o'clock the following day, was taken from the table.

Mr Rice offered the following as a substitute:

Resolved, That the Senate shall meet at ten o'clock, A.M. each day; Provided, that it shall be competent for the Senate to hold one or more sessions any day, and for this purpose, one day's notice shall not be necessary to entertain a motion to that effort; which was adopted.

Mr Terry offered the following resolution:

Resolved, That the committee on the State Bank be instructed to inquire into the prosperity of authorizing the Bank of the State, and the several branches thereof, to buy any property sold under mortgage made to the Bank or Branch Banks, to secure any debt due the said Bank or Branch Bank, where the sale is made by the Bank or Branch which purchases: Provided, that in no case shall the price agreed to be paid exceed the debts secured by the property sold: And provided further, that this right shall be further restricted to the purchase of property only in those cases, when the debt is, in the opinion of the president and directors of the Bank or Branch Bank, doubtful; which was adopted.

On motion of Mr Turner,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of increasing pay of the Presidents, Cashiers, Tellers and Bank Attorneys, of the Bank of the State of Alabama and its several branches: and for the appointment of a bank Marshall for the State Bank and each branch, with leave to report by bill or otherwise.

Mr Reese presented the memorial of the Misses McCurley of the county of Chambers, which was referred to the committee on propositions and grievances.

On motion of Mr Reese,

Resolved, That the committee on propositions and grievances inquire into the propriety of allowing the memorialists, the Misses McCurley, of the county of Chambers, some boon as a reward for this specimen of industry and ingenuity, as well as the propriety of holding out some encouragement to others hereafter producing similar fabrics.

Message from the House of Representatives by Mr Phelan:

Mr President— The House of Representatives has adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House, on Saturday, the fifth instant, for the purpose of electing a judge of the county court of Shelby county, and a trustee of the University, to fill the vacancy occasioned by the resignation of the honorable Thompson M. Rector, in which the concurrence of the Senate is requested.

On motion of Mr Wilson of J. the message was laid upon the table.

On motion of Mr Toulmin.

Resolved, That the judiciary committee be instructed to inquire into the expediency of changing the method (Or amending the law) in relation to the election of harbor master and port wardens, for the port and harbor of Mobile, and report by bill or otherwise.

On motion of Mr Clarke, Mr Phillips was added to the committee on propositions and grievances.

On motion of Mr King, Mr Thornton was added to the select committee to whom was referred resolutions offered by Mr King upon the right of instruction.

On motion of Mr Terry a bill to be entitled an act allowing compensation to certain persons, was taken from the table, and placed among the orders of the day.

On motion of Mr Reese, a joint resolution requiring that all accounts against the State, shall be submitted to and audited by the comptroller of public accounts, and by him presented to the chairman on account and claims, was taken from the table. The resolution was then read a first time and ordered to a second reading.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill from the House of Representatives to be entitled an act to incorporate a male and female academy at the town of McDonald, in the county of Randolph, Alabama, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act regulating sales by sheriff of the county of Bibb, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act for the benefit of the Alabama Fencibles, was read a second time and ordered to a third reading.

Engrossed bill to be entitled an act to incorporate Central Seminary in the county of Autauga, was read a third time and passed. Ordered, that the title remain as aforesaid.

Engrossed joint resolutions in relation to correcting the errors in the books of the Bank of the State of Alabama, was read a third time, and on the question of its passage, there were yeas 15—nays 16.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hudson, Jones, King, McAllister, McConnell, Reese, Rice, Smith, Terry, Thornton, Toulmin, and Turner.

Those who voted in the negative, are Messrs Alston, Andress, Dailey, Dent, Farrar, Hall, Lea, Lloyd, McVay, Oliver, Phillips, Rodgers, Ross, Wilson of F. Wilson of J. and Womack.

The Senate refused to postpone the resolution.

Engrossed bill from the House of Representatives to be entitled an act to explain an act entitled an act to appoint administrators in certain cases, approved February 5, 1840, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

Mr Dent moved that the Senate do now adjourn; which was lost.

Engrossed bill from the House of Representatives to be entitled an act to repeal the fifth section of an act to incorporate the town of Fredonia, in Chambers county, approved February 4, 1840, was read a second time and ordered to a third reading.

On motion of Mr Terry, the Senate then adjourned.

SATURDAY, December 5, 1840.

The Senate met pursuant to adjournment.

Daniel E. Watrous, the Senator elect from the district composed of the counties of Bibb and Shelby, appeared in the Senate Chamber, was qualified and took his seat.

Mr Hudson presented the account of Henry C. Lea and James P. Graham of Perry county; the reading of which was dispensed with, and referred to the committee on accounts and claims.

Mr McAllister, from the same committee on Indian expenditures, to whom was referred the account of Jefferson Buford, for sending an express with despatches in relation to state services, to General Wellborn, reported a bill allowing the same, to be entitled 'an act to compensate Jefferson Buford for sending express with despatches to General Wellborn;' which was read a first time and ordered to a second reading.

Mr Hudson, from the committee on accounts, to which was referred the claim of Robert Murphey, former sheriff of De Kalb county, for services rendered in organizing said county, reported the same to the Senate as not being chargeable upon this State, and asked to be discharged from the further consideration thereof; which, on motion of Mr Smith, was ordered to lie upon the table.

Mr McVay, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of the county of Mobile, in relation to sales at auction, also, a bill embracing the prayer of said petition, reported the same back to the Senate and recommended its passage. The bill was placed among the orders of the day.

Mr McVay, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of taxing Bowie knives, dirks, pistols, and other deadly weapons, reported that it is inexpedient to pass such a law, and asked to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr Lea, from the committee on internal improvement and inland navigation, to whom was referred the memorial of the President and Directors of the Florence Bridge Company, reported a bill to be entitled an act for the relief of the President, Directors, and Company of the Florence Bridge Company; which was read a first time and ordered to a second reading.

Mr Jones introduced a bill to be entitled an act supplementary to the attachment law of this State, to authorize attachments to issue on mortgages and deeds of trust in certain cases; which was read the first time, and the constitutional rule being dispensed with, was read a second time, and on motion of Mr Jones, referred to the committee on the judiciary.

Mr Terry offered the following resolution, which was adopted:

Resolved by the Senate, that the specimen of silk domestic manufacture, presented by the memorialist Mary McCurley and sisters, to the General Assembly of the State of Alabama, be deposited in the archives of this State, and shall be kept as a memento of female enterprise and industry.

Mr Lea, from the committee on internal improvement and inland navigation, to which was referred a bill to be entitled an act to assist the Montgomery Rail Road Company, reported a substitute for the bill and recommended its passage. The substitute was adopted, and read a second time.

Mr Reese moved to lay the bill on the table, and print one hundred and thirty-three copies thereof for the use of the Senate and the House of Representatives.

Mr Creagh demanded a division of the question.

Mr Dent moved to postpone its further consideration, until the twenty-fifth of this month, and upon that question, the yeas and nays were called for.

Yeas 11-Nays 21.

YEAS—Messrs Clarke, Dent, Farrar, Lloyd, McAllister, McConnell, Rice, Rodgers, Smith, Terry and Wilson of F.

NAYS— Messrs President, Alston, Address, Creagh, Dailey, Hudson, Hall, Jones, King, Lea, McVay, Oliver, Phillips, Reese, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack.

The Senate refused to postpone.

The question then recurred on the motion to lay on the table, which was carried; and the question further recurred upon printing one hundred and thirty-three copies, which was decided in the affirmative by yeas and nays. Yeas 18—Nays 14.

Those who voted in the affirmative are Messrs President, Alston, Address, Creagh, Hall, Jones, King, Lea, Oliver, Reese, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of J, and Womack.

Those who voted in the negative are Messrs Clarke, Dailey, Dent, Farrar, Hudson, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry and Wilson of F.

On motion of Mr Wilson of J. the vote postponing indefinitely a bill to be entitled an act requiring the judge of the county court of Shelby county, to reside at or within three miles of the court house was reconsidered. The question was upon postponing the bill indefinitely, upon which the yeas and nays were taken. Yeas 3—Nays 28.

Those who voted in the affirmative are Messrs President, Creagh, and Hudson.

Those who voted in the negative are Messrs Alston, Address, Clarke, Dailey, Dent, Farrar, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Thornton, Turner, Watrous, Wilson of F. Wilson of J. and Womack.

Mr Jones offered the following amendments to come in after the section: 'But nothing herein contained shall be construed to prevent any citizens of the county from being eligible to the office of the county court judge, who may remove within the limits prescribe within three months next preceding his election;' which was adopted, and the bill then read a second time.

Mr Hudson moved to dispense with the constitutional rule requiring bills to be read on three several days; which was lost.

The bill was ordered to a third reading.

On motion of Mr Rice, the message from the House of Representatives proposing that the two Houses assemble in the Hall of the House, this day at twelve o'clock for the purpose electing a judge of the county court of Shelby county, and a trustee of the University of Alabama, to fill the vacancy occasioned by the resignation of the Hon. Thompson M. Rector, of the fifth judicial circuit, was ordered to be taken from the table.

On motion of Mr Jones, 'a judge of the county court of Shelby county;' was stricken out.

The Senate then concurred in the resolution as amended. Ordered, that the Secretary inform the House and ask its concurrence.

Mr Dent introduced a bill to be entitled an act for the relief of Frances Augustus de Malampre; which was read a first time, and the constitutional rule being dispensed with, was read a second time, and on motion of Mr Dent, referred to the committee on the judiciary.

Mr Dent presented the account of Little & Hopkins, the reading of which

was dispensed with, and on motion, referred to the committee on Indian expenditures.

The Senate then proceeded to consider the orders of the day.

Engrossed bill from the House of Representatives to be entitled an act to authorize the election of an assessor and tax collector for the county of De Kalb, was read a second time and ordered to a third reading.

A bill to be entitled an act declaring certain deeds fraudulent and void, was read a second time, and on motion of Mr Terry, postponed indefinitely.

A bill to be entitled an act to authorize a stay of execution in certain cases, was read a second time.

Mr Alston moved to amend by striking out, 'or any or either of them, at the option of the plaintiff or his attorney;' which motion prevailed.

The consideration of the bill was suspended for the purpose of receiving the following message from the House of Representatives by Mr Garrett:

Mr President—The House of Representatives concurs in the amendment made by the Senate to the resolution proposing to go into the election of a judge of the county court of Shelby county, and a trustee of the University for the fifth judicial circuit, by striking out, 'the judge of the county court of Shelby county.'

Message from the House of Representatives by Mr Phelan:

Mr President – I am instructed by the House of Representatives to invite the Senate into the Hall of the House, for the purpose of electing a Secretary of State, Comptroller of Public Accounts, State Treasurer, and Trustee of the University for the fifth judicial circuit.

The Senate repaired to the hall of the House of Representatives and were seated. Mr President of the Senate announced the object of the convention of the two houses.

The two houses then proceeded to the election of a Secretary of State--THOMAS B. TUNSTALL and WILLIAM GARRETT, being in nomination.

Those who voted for Mr TUNSTALL, are Messrs President, Alston, Creagh, Hudson, Hall, Jones, Lloyd, McVay, Reese, Rice, Terry, Thornton, Toulmin, Turner, Wilson of F. of the Senate; Messrs Speaker, Alexander, Clemens, Davis of A. Davis of L. Dixon, Douglass, Fowler, Hunter, Inge, Jones, King, Little, Marchbanks, McClanahan, Moore of Madsion, Moores, Morris, Provence, Reynolds, Strode, Walker of L., Winston of S. and Wynn of the House of Representatives—40.

Those who voted for Mr GARRETT, are Messrs Address, Clarke, Dailey, Dent, Farrar, King, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Smith, Watrous, Wilson of J. Womack, of the Senate; Messrs Adams, Adrian, Ashurst, Baker, Barron, Bates, Bell, Blair, Blount, Bradley, Broughton, Cvobb, Crenshaw, Davis of B. Doster, Fitzpatrick, Griffin of M. Griffin of M. Hale, Hall, Hill, Hollinger, Hughs, Hutchinson, Jemsion, Kidd, Langdon, Mangum, Mann, McCoy, McCullough, McGill, McLemore, McMillion of B. Mcmillion of J. Mitchell, Moore of Marion, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Pynes, Randolph, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Stone, Walker of B. Wann,. Williams, Wilson, Winston of DeK. Womack and Young, of the House of Representatives—79.

Mr GARRETT having received a majority of the whole number of the votes given, Mr Speaker declared him duly and constitutionally elected Secretary of State.

The two houses then proceeded to the election of a Comptroller of Public Accounts—JEFFERSON C. VAN DYKE alone in nomination, and having received one hundred and nineteen votes, it being the whole number given, Mr

Speaker declared him duly and constitutionally elected Comptroller of Public Accounts.

The two houses then proceeded to the election of a State Treasurer — E. F. COMEGYS, J. H. THOMPSON, ROBERT CARUTHERS, and SAMUEL G. FRIERSON, being in nomination.

Those who voted for Mr COMEGYS, are Messrs Alston, Creagh, Hudson, McVay, Rice, Rodgers, Toulmin, and Wilson of J., of the Senate; Messrs Alexander, Baker, Bates, Jones, Marchbanks, McCullough, Moore of Madison, Moore of Marion, Murphy, Walker of B., Walker of L., Wann, Williams, Winston of S. and Wynn of the House of Rep.—23.

Those who voted for Mr FRIERSON, are Messrs Jones, Lloyd, McAllister, McConnell, Reese, Smith, Terry, Thornton, Turner, and Wilson of F., of the Senate; Adams, Clemens, Cobb, Crenshaw, Davis of A. Davis of L., Dixon, Douglass, Fowler, Griffin of M. Hughs, Hunter, King, McClanahan, McCoy, McMillion of B., McMillion of J., Moores, Province, Randolph, Reynolds, Rice, Smith of J., Strode, and Winston of DeK., of the House of Representatives—35.

Those who voted for Mr THOMPSON, are Messrs Clarke, Dailey, Farrar, King, Lea, Phillips, and Watrous of the Senate; Messrs Adrian, Blair, Hale, Little, Norris, Norwood, Peguese, Pynes, Roberts, Saunders, Shanks, Simmons, Smith of L. Stone and Wilson, of the House of Representatives —22.

Those who voted for Mr CARUTHERS, are Messrs President, Address, Dent, Hall, Oliver, Ross and Womack of the Senate; Messrs Speaker, Ashurst, Barron, Bell, Blount, Bowen, Bradley, Broughton, Davis of B., Doster, Fitzpatrick, Griffin of S., Hall, Hill, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McGill, McLemore, Mitchell, Morris, Perkins, Peterson, Prince, Seawell, Womack, and Young of the House of Representatives—39.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote a second time.

Those who voted for Mr COMEGYS, are Messrs Alston, Creagh, Hudson, Phillips, Rice, Rodgers, Toulmin, and Wilson of J. of the Senate; Messrs Alexander, Baker, Davis of L. Jones, McCullough, Moore of Mad. Moore of Marion, Walker of L. Wann and Williams, of the House of Representatives —18.

Those who voted for Mr FRIERSON, are Messrs Jones, Lloyd, McAllister, McConnell, McVay, Reese, Smith, terry, Thornton, Thurner, and Wilson of F, of the Senate; Messrs Adams, Adrian, Clemens, Cobb, Crenshaw, Davis of A., Dixon, Douglass, Fowler, Griffin of M., Hugh, King, Marchbanks, McClanahan, McCoy, McMillion of B., McMillion of J., Provence, Randolph, Reynolds, Smith of J., Strode, Walker of B., Winston of DeK., Winston of S. and Wynn of the House of Representatives--38.

Those who voted for Mr THOMPSON, are Messrs Clarke, Dailey, Farrar, King, Ross, and Watrous of the Senate; Messrs Blair, Hale, Langdon, Norris, Norwood, Peguese, Pynes, Roberts, Saunders, Shanks, Simmons, Smith of L., Stone, and Wilson, of the House of Representatives—20.

Those who voted fort Mr CAUTHERS, are Messrs President, Address, Dent, Hall, King, Oliver and Womack, of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McGill, McLemore, Moores, Morris, Murphy, Perkins, Peterson, Prince, Seawell, Womack and Young, of the House of Representatives—43.

Neither having received a majority of the whole number of votes given, the two houses proceeded to vote the third time.

Those who voted for Mr COMEGYS, are Messrs Alston, Creagh, Hudson, Rice, Rodgers, and Toulmin of the Senate; Messrs Baker, Jones and Walker of L. of the House of Representatives—9.

Those who voted for Mr FRIERSON, are Messrs President, Clarke, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Smith, Terry, Thornton, Turner, Wilson of F. And Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Blair, Clemens, Cobb, Crenshaw, Davis of A. Davis of I. Dixon, Douglass, Fowler, Griffin of M. Hill, Hughs, King, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Perkins, Provence, Pynes, Randolph, Reynolds, Rice, Smith of J. Smith of L. Strobe, Walker of B. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—53.

Those who voted for Mr THOMPSON, are Messrs Dailey, Farrar, Lea, Phillips and Watrous of the Senate; Messrs Hale, Little, Roberts, Saunders, Shanks, and Stone, of the House of Representatives—11.

Those who voted for Mr CARUTHERS, are Messrs Address, Dent, Hall, King, Oliver, Ross and Womack, of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peters, Peterson, Prince, Seawell, Simmons, Womack and Young of the House of Representatives—45.

Neither having received a majority of the whole number of voted given, the two houses proceeded to vote the fourth time—the name of Mr COMEGYS having been withdrawn.

Those who voted for Mr FRIERSON, are Messrs President, Clarke, Creagh, Hudson, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Blair, Clemens, Cobb, Crenshaw, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hall, Hill, Hughs, Jones, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Provence, Pynes, Randolph. Reynolds, Rice, Roberts, Saunders, Smith of J. Smith of L. Stobe, Strobe, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—63.

Those who voted for Mr THOMPSON, are Messrs Dailey, Farrar, of the Senate; and Messrs Baker, and Little, of the House of Representatives—4.

Those who voted for Mr CAUTHERS, are Messrs Alston, Address, Dent, Hall, King, Lea, Oliver, Phillips, Ross, and Womack, of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Seawell, Shanks, Simmons, Womack and Young of the House of Representatives—51.

Mr FRIERSON having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected Treasurer of the State Alabama.

The two houses next proceeded to the election of a Trustee of the University of Alabama, to fill the vacancy occasioned by the resignation of THOMPSON M. RECTOR, of the fifth judicial circuit—Messrs FRANCIS M. ROBY and LOUIS WYTH in nomination.

Those who voted for Mr ROBY, are Messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, King, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Terry, Thornton, Toulmin, Turner, Watrous and Wilson of F. of the Senate; Messrs Speaker, Adrian, Alexander, Baker, Barron, Bowen, Broughton, Clemens, Cobb,

Crenshaw, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Hale, Hill, Hughs, Hunter, Hutchinson, Inge, Jones, King, Marchbanks, McClanahan, McCullough, McLemore, McMillion of B. Mitchell, Moore of Mad. Moore of Marion, Moores, Morris, Norris, Norwood, Perkins, Provence, Randolph, Reynolds, Roberts, Saunders, Seawell, Smith of L. Stone, Strode, Walker of B. Walker of L. Williams, Winston of S. Wynn, and Young, of the House of Representatives—74.

Those who voted for Mr WYTH, are Messrs Alston, Andress, Hudson, Lea, Lloyd, Ross, Smith, Wilson of J. and Womack, of the Senate; Messrs Adams, Ashurst, Bates, Bell, Blair, Blount, Bradley, Doster, Fowler, Griffin of M. Griffin of S. Hall, Hollinger, Jemison, Kidd, Langdon, Little, Mangum, McMillion of J. Murphy, Peguese, Peterson, Prince, Pynes, Shanks, Simmons, Smith of J. Wilson, Winston of DeK. and Womack of the House of Representatives—44.

Mr ROBY having receives a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected a trustee of the University of Alabama, as aforesaid, for the term prescribed by law.

The Senate then withdrew from the Hall of House, returned to their Chamber. Mr President resumed his Chair, and the Senate proceeded to business.

The bill to be entitled an act to authorize a stay execution in certain cases, being under consideration,

Mr Creagh moved to postpone it indefinitely.

Mr Dent moved its reference to the committee on the judiciary; which prevailed.

On motion of Mer Rice, the Senate adjourned.

MONDAY, December 7, 1840.

The Senate met pursuant to adjournment.

Mr Hudson presented th account of Wm. M. Lacey, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Lea presented the petition of Nathaniel W. Fletcher; the reading of which was dispensed with, and on motion, referred to the committee on the State Bank.

Mr Hall presented the petition of sundry citizens from the county of Autauga; the reading of which was dispensed with, and on motion, it was referred to the committee on propositions and grievances.

Mr Phillips presented the account of Jacob Hoot, jailor of Dallas county; the reading of which was dispensed with, and on motion, it was referred to to the committee on accounts and claims.

Mr Terry, from the committee on the State Bank, to whom was referred a resolution instructing them to inquire into the propriety of appointing one or more suitable persons in each county in this State, for the purpose of recommending paper for discount or renewal, to the State Bank or either of its Branches, reported the same as inexpedient.

Mr Creagh moved to lay the report of the table, which was lost.

The question recurred on concurring in th report, which prevailed.

Mr Terry, from the same committee, to whom was referred a resolution instructing them to inquire of the Cashier of the State Bank, and the Cashiers of the Branches thereof, what amount of money have been paid by the several Banks to the different agents on accounts of services rendered by them, in the collection of any money, whatsoever, for the said Bank, and that the said Cashiers be required to furnish the information to the present General As-

sembly, as soon as possible, reported the same useless, inasmuch, as the information desired can be procured from the several reports of the Cashiers of the State Bank and Branches, and asked to be discharged from its further consideration, in which the Senate concurred.

Mr Terry, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of so altering the charter of the State Bank and its several Branches, that only one third of the Directors of said Banks shall be elected annually, and then be eligible for one or more years, reported it inexpedient to make the proposed change; in which the Senate concurred.

Mr Terry, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law requiring the several Bank in this State to redeem their bills in specie, not exceeding one hundred dollars, to any one individual, where it shall be satisfactorily made known to the Board of Directors, that the same is intended for the purpose of renting land, reported the same as inexpedient; in which the Senate concurred.

Mr Terry, from the same committee, to whom was referred a resolution inquiring into the expediency of passing a law making it the duty of the President and Directors of the State Bank and its several Branches, not to discount any paper that has a longer time to run than four months, before the same shall fall due, reported the same inexpedient; in which the Senate concurred.

Mr Rice, from the committee on education, to which was referred a resolution instructing them to inquire into the expediency of defining by law at what age students shall be admitted to schools established under the late law in aid of valueless sixteenth sections, reported the same inexpedient; in which the Senate concurred.

Mr Rice, from the same committee, to whom was referred a resolution instructing them to inquire into the propriety of passing a law allowing pay to the commissioners of the several sixteenth sections of this State; reported that it is inexpedient to legislate upon the subject; in which the Senate concurred.

Mr Rice, from the same committee, to which was referred so much of the Governor's message as relates to education, reported that the various matters included in said message, are provided for by the several bills preparing to be reported to the Senate. The committee asked leave to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr King, from the committee on education, to whom was referred a resolution, instructing them to inquire into the expediency of reducing bank attorney's fees on sixteenth sections, with a document from T. J. Clarke, reported a bill to be entitled an act regulating the fees of bank attorneys from the purchasers of sixteenth sections, which was read a first time and ordered to a second reading on to-morrow.

Mr Thornton, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of passing a law making turnpikes and toll bridges transferable property reported that a transfer by judicial sale of the interest of a defendant in execution at common law, in turnpike roads or toll bridges, which is the kind of transfer supposed to be alluded to, has not been attempted. Whether the interest sought to be reached, be stock in a road or bridge, or an entire interest in the whole subject not divided into stock or shares, it is believed that the rights of all parties concerned can be more fully guarded by the decree of a chancellor subjecting such interest,

than by a sale under an execution at common law. The chancellor may appoint a receiver to collect the toll, or in case of stock, he may compel surrender, or transfer on the books. He made avoid fraudulent transfer of the stockholders, and thus make a sale under circumstances which would insure its bringing its full value. He may order a sale upon such terms as will save the defendants harmless from the sacrifice, as by requiring from the plaintiff or purchasers, to indemnify him against any subsequent liability to the public, or if the grant or privilege, in the particular case, be of a personal and fiduciary character, and not transferable by the terms of the act which creates it, the chancellor may so mould his decree, as to reach the profits, without affecting the grant. From the nature of this specie of property, and its various peculiarities, your committee would respectfully recommend that no law be passed on the subject of its transfer by judicial sale; in which the Senate concurred.

Mr Thornton, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of allowing sheriffs per diem pay for attending the courts of chancery, reported that it is not expedient to allow the same; in which the Senate concurred.

Mr Thornton, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of reducing the fees of sheriff, reported that the fees now allowed by law to those officers, are not considered by the committee to be unreasonable, and that it is inexpedient to reduce the same; which, on motion of Mr Jones, was laid on the table.

Mr Thornton, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of so altering and amending the law regulating the change of venue, as not to permit the accused to remove their trials to counties remote from the one in which the crime was committed, &c., reported that the Senate has now before it a bill to deprive a party accused of the right to change the venue at all, and if it be not altogether abolished, that it is as well regulated in the particulars embraced in the resolution by the present law, as there is any necessity for; in which the Senate concurred.

Mr Thornton, from the same committee, to whom was referred a resolution relating to so much of the Governor's message as concerned the criminal code, prepared by the judges of the Supreme Court, asked leave to be discharged from its consideration, the code have been fully considered by the Senate. The committee was discharged.

Mr Thornton, from the same committee, to whom was referred a resolution instructing them to inquire in the expediency of purchasing ----- copies of Phillip's Digest of the Reports of the State of Alabama, reported a bill to be entitled an act authorizing the purchase and distribution of certain books; which was read a first time and ordered to a second reading.

Mr Thornton, from the same committee, to whom was referred a bill to be entitled an act to fix the pay of solicitor of the tenth judicial circuit, reported the same back to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Terry, from the committee on the State Bank, who were required by resolutions to inquire into the propriety of authorizing the State Bank and its several Branches, to purchase property at their own sales, &c., with certain limitations, reported a bill to be entitled an act to authorize the Bank of the State of Alabama, and the several branches thereof, to purchase property at their own sales; which was read a first time and ordered to a second reading.

The committee on education, to whom was referred so much of the Gov-

ernor's message relates to the University, participating in the lively interest which his Excellency, as well as the Legislature generally, feel in the prosperity of the institution, have anxiously inquired whether there is any measure which the Legislature can adopt that would be calculated to remove all difficulties which may seem to embarrass its progress, and to place its success beyond contingency. Were any additional legislative enactment necessary, in their opinion, to produce such a result, the committee would cheerfully contribute their aid to its passage through the two Houses. Believing, as they do however, that the Institution is amply endowed—that the Trustees, its immediate guardians, are armed with ample powers to secure its triumph in the field of letters and learning—and concurring most fully with his Excellency, that she is at this time blessed with an able and distinguished Faculty, who having at their command an extensive library, and an apparatus, which is almost complete and suitable for illustrations and experiments in every department of science, the committee deem it best to abstain from interference in the operations of the University, (with but little exception,) during the present session.

That the people have aright to except a great deal of their University is not to be denied. But in addition to the facts that the State itself is yet new—our population by no means of the most settled kind—the absence of primary or common schools, which to supply a very large number of well prepared freshmen, annually, for the University, ought to be, or to have been, established in every part of the State. The Institution itself is young. It has not yet struggled, perhaps entirely through difficulties always incident to institutions of the kind, which always require time to become venerated by the public and established in the strong affections of the people.

It is said, however, that taking the whole time of its existence into consideration, the average number of students has been very nearly, if not quite equal to that of any other institution. The committee are prepared fully to appreciate the remarks in the message that the number of students is diminished by the unhealthiness common to almost every part of the southern country, during the past season, and the deep and pervading pecuniary embarrassments of the time. These evils, we are happy to believe, are of a temporary character, and as the location of the University cannot be considered otherwise than healthy, any inconvenience which may have risen from that source, must soon pass away. The committee are well satisfied that there are the most ample inducements now held out for young men from every part of the south, who are ambitious to store their minds with useful learning to come to the University of Alabama. If her buildings are not crowded with pupils, it certainly is not because there are not there the most substantial and even splendid provisions for rapid and thorough mental improvement.

Besides some measures which are under consideration in regard to common schools, the committee have directed a bill to be reported to the Senate, and its passage recommended, 'to be entitled an act to reduce the number of Trustees of the University, and make the judges of the Supreme Court, ex-officio, members of the board.' All of which is respectfully submitted.

H. C. LEA.

The bill submitted by the committee was then read a first time and ordered to a second reading.

Mr Lea from the committee on the judiciary, to which was referred a resolution instructing them to inquire whether or not the relief law passed at the last session, entitled an act, &c. as therein stated, relieves bank directors from

that part of the law which declares the seat of any president or director vacant, who are under protest for ten days, &c. reported that they have attempted to make the examination called for, but there is some uncertainty in the language of the resolution, and the committee may not have embraced the exact object of its author in the examination.

The committee do not find that any act was passed at the last session, such as described in the resolution. The sixth section of an act entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several branches, approved 2d February, 1839, is as follows: 'That if any president or director shall in future, suffer his name, either as payor or indorser, upon any note or bill, to remain under protest for the space of ten days, the seat of such president or director, shall forthwith become vacated, and the board shall as in other cases, proceed to fill such vacancies.' If this be the law alluded to in the resolution, the committee feel bound to state that they know of an act which in any manner repeals the section above set forth, and that it consequently yet remains in full force and effect, and that no act passed at the last session of which the committee is aware, relieves bank directors from its force. The committee asked leave to be discharged, which was granted.

Mr Lea from the committee on education, to whom was referred a resolution in regard to the election of additional trustees of the University, reported that it is inexpedient to pass an act increasing the number of trustees in any event at this time; in which the Senate concurred.

Mr Jones introduced a bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama, and the charters of its several branches, which was read a first time, the constitutional rule dispensed with, and read a second time, and referred to the committee on the State Bank.

On motion of Mr McConnell,

Resolved by the Senate, That the House of Representatives be respectfully requested to transmit to the Senate, a resolution requesting a minority report of one commissioner for the examination of the branch bank at Montgomery.

Mr Farrar introduced a bill to be entitled an act to abolish brigade encampments, so far as relates to the third brigade and seventh division of Alabama militia, which was read a first time and ordered to a second reading.

Mr Womack introduced a bill to be entitled an act to secure a homestead to every family in the State, which was read and ordered to a second reading.

Mr Jones introduced a bill to be entitled an act to limit the indebtedness of all persons to the Bank of the State of Alabama and its several branches, which was read and ordered to a second reading on to-morrow.

On motion of Mr Dailey,

Resolved, That the judiciary committee be requested to inquire into the propriety of so amending the laws as that plaintiff in actions for damages, &c. be compelled to give security for all cost of suits, upon defendant's filing affidavit of their irresponsibility, with leave to report by bill or otherwise.

Mr Creagh introduced a bill to be entitled an act to incorporate the Stockton Steamboat and Warehouse Company, in the city of Stockton, county of Baldwin, which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act to regulate damages in the supreme, circuit and county courts, which was read and ordered to a second reading.

Message from the House of Representatives, by Mr Phelan:

Mr President— I am instructed to inform the Senate, that Thomas B. Tunstall, Esq. has been elected the principal clerk of the House of Representatives, in place of William Garrett, resigned.

Which was ordered to lie on the table.

On motion of Mr Dailey,

Resolved, That the committee on privileges and elections be requested to inquire into the propriety of so altering the law as to elect representatives to Congress biennially, and members to the State Legislature annually, and senators to the State Legislature, on the first Monday, in October, after the term of service for which they were elected expires; and also, whether it will not be best for the public weal, to elect county officers, to wit: sheriffs, clerks, &c. on the first Monday in January each year, as their term of office expires, and to report by bill or otherwise.

Mr Phillips introduced a bill to be entitled an act to incorporate Warrenton male and female academy in the county of Dallas, which was read and ordered to a second reading.

On motion of Mr Alston,

Resolved, That the committee on privileges and elections be instructed to inquire into the propriety of abolishing an election precinct at White Hall in the county of Marengo, and establishing one at McKinley in said county, accompanying which was a petition of sundry citizens of Marengo upon the same subject.

Mr Hudson presented the petition of sundry citizens of the county of Franklin, which was referred to the committee on the judiciary.

Mr Terry from the committee on the State Bank, to whom was referred the memorials of William Taylor and Abner McGehee, reported a bill to be entitled an act for the relief of William Taylor and Abner McGehee, which was read and ordered to a second reading.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act for the relief of Mary E. Reynolds, was read a second time.

Mr Alston moved to postpone the bill indefinitely, upon which motion there were yeas 18—nays 13.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Creagh, Dailey, Farrar, Hudson, Jones, King, Lloyd, Reese, Rodgers, Terry, Thornton, Turner, Watrous, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs Clarke, Dent, Hall, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Ross, Toulmin, and Womack.

The bill was indefinitely postpone.

A bill to be entitled an act to extend the jurisdiction of justices of the peace in certain cases, &c. was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act in relation to discounts, and for other purposes, was read a second time.

On motion of Mr Terry, it was referred to a select committee. Messrs Terry, Toulmin, and Jones, Were appointed said committee.

A bill from the House of Representatives to be entitled an act to authorize the tax collector, and clerk of the county court of Tallapoosa county, to receive in payment of public dues certain certificates therein named, was read a second time and ordered to a third reading.

A bill to be entitled an act to reduce the number of directors of the Branch Bank of the State of Alabama at Mobile, and for other purposes, was read a second time.

On motion of Mr Terry, it was referred to the committee on the State Bank.

A bill to be entitled an act regulating the sales of constables, was read a second time.

On motion of Mr Hudson, it was referred the committee on the judiciary.

A bill to be entitled an act to amend the laws regard to limitation of actions, was read a second time.

On motion of Mr Hudson, it was referred to the committee on the judiciary.

A bill to be entitled an act for the relief of Henry Tuttle, late sheriff of Walker county, was read a second time.

On motion of Mr Rice, it was referred to a select committee; whereupon, Messrs Rice, Rodgers, and Lloyd, were appointed said committee.

A bill to be entitled an act to authorize the tax collector for the county of Monroe, to receive jury certificates in payment for taxes due said county, was read a second time, and ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled an act to incorporate a female academy in the town of Marion, in Perry county, was read a second time.

On motion of Mr Hudson, it was referred to the committee on education.

Joint resolutions from the House of Representatives, in relation to the supreme court decisions, was read a third time and passed.

A bill to be entitled an act to amend an act for the collection of taxes in the county of Marengo, approved Feb. 1, 1849, was read a third time and passed.

On motion of Mr Alston, the caption was amended by adding the words 'and for other purposes.'

A bill from the House of Representatives to be entitled an act for the relief of the citizens of Deer Head Cove, in the county of De Kalb, was read a second time and ordered to a third reading.

A bill from the House of Representatives to be entitled an act to authorize Henry Hunter of Dallas county, to erect a gate or gates, on that part of the public road which runs through his land opposite the town of Lexington in said county, and for other purposes, was read a second time.

Mr Phillips moved to amend the bill by adding to the end thereof, the following, to wit: 'and they shall power to order and have said gates taken down, whenever in their opinion, the public good may require the same to be done.

'Sec. 2. And be it further resolved, That before the said Henry Hunter shall erect said gate or gates, he shall first refund and pay into the treasury of Dallas county, the damages allowed him on account of said road, or such part thereof, as he may be directed to pay by said court of roads and revenue of said county.'

On the motion of Mr Phillips, the bill together with the amendments, were ordered to lie on the table.

A bill from the House of Representatives to be entitled an act for the relief of Benjamin C. Lansdale, for the county of Henry, was read a second time.

On motion of Mr Creagh, it was referred to the committee on internal improvement and inland navigation.

A bill to be entitled an act permanently to locate the seat of justice of Marshall county; and for other purposes, was read a second time.

On motion of Mr Lloyd, it was referred to a select committee, consisting of Messrs Lloyd, Smith and Clarke.

A bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, approved February 20th, 1839, was read a second time.

On motion of Mr Lea, the word 'first' was stricken out, in the fourth line of section third, and 'northern' inserted in lieu thereof.

On motion of Mr Reese, the fourth section of the bill was amended, by striking out 'Tuskegee,' and inserting 'Lafayette,' and striking out 'Macon,' and inserting 'Chambers.'

Mr Dailey moved to strike out 'and Tallapoosa,' after the word 'Coosa,' and to insert it between Chambers and Macon; which was adopted.

On motion of Mr Hall, the bill was referred to a select committee, consisting of Messrs Creagh, Hall, Thornton, Terry, Turner, McAllister, King, Oliver, Clarke and Toulmin.

A bill to be entitled an act concerning exemptions from working on the public roads in DeKalb county, was read a second time..

On motion of Mr Wilson of F. it was referred to a select committee, consisting of Messrs Wilson of F. Hudson and Smith.

A bill to be entitled an act to authorize the Board of Directors of the Branch of the Bank of the State of Alabama, at Montgomery, to allow the attorney for said Branch Bank, just and reasonable compensation, was read a second time.

On motion of Mr Hudson, it was referred to the committee on the State Bank.

A bill to be entitled an act to alter the times of holding the circuit courts in the first judicial circuit, was read a second time. On motion of Mr Alston it was referred to a select committee, consisting of Messrs Alston, Lea and Rice.

A bill to be entitled an act to complete the improvement in the Muscle Shoals in the Tennessee river, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act more permanently to locate the seat of justice for the county of Monroe, was read, and ordered to be engrossed for a third reading.

Joint resolutions proposing the call of a convention, was read a second time. Mr Dent moved to postpone the further consideration of the bill until the 25th day of this month; upon which there were Yeas 13—Nays 18.

Those who voted in the affirmative, are Messrs Alston, Dent, Hudson, Jones, Ling, Lea, Lloyd, McVay, Rice, Rodgers, Terry, Toulmin, and Wilson of J.

Those who voted in the negative are Messrs Andress, Clarke, Creagh, Dailey, Farrar, Hall, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Toulmin, Watrous, Wilson of F. and Womack.

The resolutions were not postponed.

The question then recurred upon ordering them to be engrossed for a third reading: the yeas and nays being desired, there were Yeas 18—Nays 14.

Those who voted in the affirmative are Messrs President, Andress, Clarke, Creagh, Dailey, Farrar, Hall, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Toulmin, Turner, Watrous and Womack.

Those who voted in the negative are Messrs Alston, Dent, Hudson, Jones, King, Lea, Lloyd, McVay, Rice, Rodgers, Terry, Thornton, Wilson of F. and Wilson of J.

The resolutions were ordered to be engrossed.

A bill to be entitle an act to authorize the clerk of the county courts of the several counties in this State, to sue on stray bonds within the beat in which the court house is situated, was read a second time and ordered to be engrossed.

On motion of Mr Dent, the Senate then adjourned.

TUESDAY, Dec. 8, 1840.

The Senate met pursuant to adjournment.

Mr Alston presented the petition of Mart Bryan, which was referred to the committee on the judiciary.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has instructed me, in pursuance of a request of the Senate, to return to the Senate a resolution requesting the House to transmit to the Senate. the minority report from the Branch Bank at Montgomery.

The House of Representatives has passed a bill regulating the mode of collecting costs accruing in the Supreme Court; in which the concurrence of the Senate if requested.

The message, on motion of Mr Hudson, was laid upon the table.

Mr Phillips presented the petition of Osborne Locket, which was referred, without reading, to a select committee, consisting of Messrs Phillips, Watrous, and Lea.

Mr Rice presented the petition of sundry citizens of Morgan county, the reading of which was dispensed with, and on motion, referred to the committee on military affairs.

Mr Terry, from the committee on the State Bank, to whom was referred a resolution instructing them to inquire of the president and directors of the State Bank what disposition was made of a bill of exchange, or the proceeds. drawn by Mark Nicholas of Perry county, reported, that through their chairman, they have sought the information contemplated by said resolution, and have obtained, the accompanying communication from the president of said bank.

On motion of Mr Lea, the report, together with the accompanying documents, was referred to a select committee, consisting of Messrs Lea, Terry and Andress.

Mr Smith, from the committee on enrolled bills, reported that the committee had examined, and find correctly enrolled bills of the following titles, to wit:

An act to divorce Sarah Welsh from her husband Dennis R. Welsh:

An act for the relief of Thomas S. Bibb of Lawrence county:

An act to alter and amend the laws for assessing and collecting taxes in the county of Butler.

Mr Wilson of F. from the select committee, to whom was referred a bill to be entitled an act concerning exemptions from working on public roads in De Kalb county, reported the same back to the Senate with the following amendments, to wit: the first section strike out the word 'county,' and insert 'counties:' in the same section strike out the word 'and,' where it occurs between the words 'Fayette' and 'Marion,' and after the word 'Marion,' insert 'and Cherokee;' which was adopted, and the bill ordered to be engrossed for a third reading.

Mr Terry offered the following preamble and joint resolutions:

The members of the General Assembly of the State of Alabama, representing a people distinguished for their love of liberty, and devotion to the federal constitution; with no selfish views, but an ardent desire for the preservation of the Union, and the blessings of free government; mindful of the rights of others, and jealously abstaining from all interference therewith; and conceding to the other States of the confederacy, the full right of moulding their domestic institutions to suit the wishes of the citizens thereof— in the name of that people, and as their representatives, we feel called upon to express our condemnation of a law of the State of New York, passed by the legislature thereof, the 6th day of May, Anno Domini, 1840, entitled 'An act to extend the right of trial by jury.'

In assuming the delicate task of pronouncing an opinion upon a law of a sister State, in the form of resolutions, it is due to ourselves, our constituents and the world at large, that such reasons should be assigned, as will fully justify us in this extraordinary course.

To do so, it will be necessary to set out, some of the objectionable features contained in this enactment.

The first section, instead of the customary mode of trial in that State, of an alleged fugitive from service, upon a habeas corpus, before a court of officer, allows the right of trial by jury.

The eighth section provides, that if the jury find against the claimant, the person claimed as a fugitive, shall be forthwith set at liberty, and if the claimant shall proceed in any manner to retake such fugitive, by virtue of the same claim, he is deemed guilty of kidnapping and subject to imprisonment in the State prison not exceeding ten years.

The ninth section provides that the district attorney, for the county, shall render his professional services to the fugitive, and be paid for the county.

The tenth section provides that every fugitive shall be entitled to subpoenas for witnesses, without any fees or charge thereof. The officers are required to serve subpoenas to be charges against the county, in the event of the jury's determining in favor of the claimant; and the witnesses are bound to attend without any fees whatever. In this section no provision is made for subpoenas on the part of the claimant.

The eleventh section provides that the fees for summoning the jury, and the fees of jurors and of the officers hearing and trying the claims, shall be paid by the claimant in all cases.

The twelfth section denies the writ of habeas corpus, to arrest an alleged fugitive from service, until the bond is given in the penal sum of one thousand dollars, with two sufficient sureties inhabitants and freeholders of the State.

The fifteenth section requires the court and officer, before whom the trial is to be had, upon the application of the alleged fugitive, to grant a commission to examine witnesses out of the State, and, for that purpose, shall adjourn the hearing from time to time as may be necessary. In this section, no provision is made for a commission on the part of the claimant.

The sixteenth section forbids the removal of any alleged fugitive from the State, in any other manner than is prescribed by the act; and any judge or other officer who shall grant a certificate or process, except under the provisions of that act, shall be deemed guilty of a misdemeanor, and liable punishment therefor.

The seventeenth section declares that every person, who shall, without the

authority of law, forcibly remove or attempt to remove from the State, any fugitive from service or labor, or any one claimed as such, shall forfeit the sum of five hundred dollars to party aggrieved, and shall be deemed guilty of the crime of kidnapping, and upon conviction of such offence, shall be punished by imprisonment in the State prison for a period not exceeding ten years.

The eighteenth and concluding section declares that, act shall not apply to the relation of master and apprentice, which may exist in other State.

The third clause of the second section of the fourth article of the constitution of the United States, reads as follows:

'No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor ; but shall be delivered up on claim of the party, to whom such service or labor may be due.'

This clause of the constitution was intended to protect the slaveholder against the laws and regulations of the free States, in any should be made, with a view or having the effect of discharging a fugitive slave from the service of his master.

And we here pronounce our solemn and deliberate conviction, that the effect of the regulation and restrictions contained in the law we are considering, if carried out and acted upon, will be annual this clause of the constitution, and discharge from service or labor, every fugitive slave who may escape from his master, and make his way into the State of New York.

To prove this, let us sum up with more particularly, the obnoxious features of this law.

First—It places negroes held to service, escaping into that State, upon higher grounds, as to the right or trial, than ordinary white apprentices bound to service on the any one of the other States.

Secondly— The owner of the fugitive slaves, if found in that State, could not lay hands on such slave, even for the purpose securing him, without subjecting himself to an action of assault and battery ; and if a stranger, without friends, who were inhabitants and freeholders of the this State, and whom the judge would take as sureties for one thousand dollars—although his slaves might brush by him every hour in the day, he could obtain no process, to arrest him — and by an attempt to remove him without process, he would forfeit to his own slave, five hundred dollars, and would be declared guilty of kidnapping, and subjected to imprisonment for a period not exceeding ten years.

Thirdly— It extends a benefit to the fugitive slave; of counsel, to be paid by the county—of subpoenas for witnesses, without charge —commissioners to examine witnesses out of the State (thereby affording ground for great delay,) and all this, without any corresponding benefit to the claimant; on the contrary, requiring the claimant, in all cases to pay the fees for summoning jurors, the fees of jurors, and the officers hearing and trying the claim.

Fourthly— In punishing any judge or officer of the State for a misdemeanor, who may issue a certificate or other process for the removal of any person claimed as a fugitive from service, otherwise than in pursuance to the provisions of that act, the legislative undertakes to annul, in part an act of Congress of the 12th of February, 1793, entitled 'An act respecting fugitives from justices, and persons escaping from the service of their master.'

Fifthly—This law secures to the fugitive slave the right of trial by jury; a feature most odious and unwarrantable and is, as we conceive directly in conflict with the spirit of that clause of the constitution, which we have before

quoted. Was it within the contemplation of the framers of the constitution, when they declared that a fugitive from service should be 'delivered up on claim,' that such fugitive should be allowed a formal trial by jury? If so, then is it competent for a State by its legislative enactments, to declare that such trial shall be according to the course of the common law, and years might pass away, whilst the owner of a slave was litigating his rights in the courts of a foreign State, during all which time, he would be deprived of the service of his slave, and no means of compensation left him for this deprivation of service. All must agree, who have taken a correct view of this subject, that the framers of the constitution contemplated a 'summary ministerial proceeding,' such as is prescribed in the act on Congress of 1793; the claimant being required only to make out a prima facie case of ownership, leaving the fugitive, if he in fact claimed to be free, to assert his right in the courts of the State from which he fled.

Looking beyond the constitutional objection to this part of the law, another strikes us as little less alarming to the southern slaveholder. In the actual state of public feeling, as it exist in New York, (as in many of the other free State,) what measure of justice are we to except from this mode of trial. In saying this we would not be understood, as arranging the integrity of the citizens of that State as a mass— but we do know, that there are thousands persons dispersed through that State, who are engaged in a modern crusade against the institutions of the South; and regard the obligations of the constitution and the right of slave property, as of no weight, when it comes in contact with that higher obligation, they profess to owe to their God, by all means within human power, to bring about a state of universal emancipation.— With even one of these fanatical abolitionists on the jury, could a verdict for a claimant be obtained, be the evidence in favor, however clear and convincing; and the mode of summoning and empannelling the jury, as prescribed in the act, affords us no guarantee, that these reckless fanatics, may seek to be, and may not actually be placed upon the jury, whatever it is known, that the case of a fugitive slave is about to be tried.

This law, considering the time and manner of bringing it forward, and the circumstances connected with its passage, we cannot regard in any other light, than as an attack upon the domestic institutions of the South—an engine designed to obstruct and embarrass the owners of slaves, in the recovery of their property— in short, that it is a concession to the fell spirit of Abolition, and taken in connexion with the refusal of the Chief Magistrate of that State, to surrender a fugitive from justice upon the demand of the Executive of the State of Virginia — charged with stealing a slave, — for the reason that the laws of New York did not recognize the right of Slavery, nor publish the stealing of a slave as an offence, is well calculated to alarm the slaveholder and arouse him to a deep sense of the wrong thus meditated upon him.

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the law of the State of New York of the 6th of May, Anni Domini, 1840, entitled 'An act to extend the right of trial by jury,' is in derogation of the third clause of the second section of the fourth article of the constitution of the United States, and is, therefore, void and ought not to be enforced.

Resolved further, That in the enactment of said law, the legislature of that State, has undertaken annul destroy, within the state, the force and operation of an Congress, of the 12th of February, 1793, entitled An

act respecting fugitives from justice, and persons escaping from the service of their master,' and for the cause it is also void and ought not be enforced.

Resolved further, That, in the opinion of this General Assembly, said law was conceived in a spirit of hostility to the compromises of the constitution, on the subject of slavery—that it cannot be viewed in any other light than as an attack upon the domestic institutions of the South, designed and intended to embarrass and obstruct the owners of slave property, in regaining the possession of their fugitive slaves.

Mr Terry moved to lay on the table and print one hundred and thirty-three copies; upon which the yeas and nays were desired. Yeas 28—Nays 3.

Those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Farrar, Hall, Hudson, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. Womack.

Those who voted in the negative are Messrs Alston, Dailey and Dent.

Mr Phillips introduced a bill to be entitled an act more effectually to enforce the performance of the duties of sheriff in certain cases; which was read and ordered to a second reading.

Mr Turner introduced a bill to be entitled an act to ascertain and fix permanently the line between the counties of Jackson and Madison; which was read and ordered to a second reading.

Mr Womack introduced a bill to be entitled an act for the relief of Unicy Windham; which was read and ordered to a second reading.

Mr King offered the following amendments to the end of the tenth rule, to wit: 'and may be made to any hour of the same, or two succeeding days, without a preliminary motion, that when the Senate adjourn, it will adjourn to a certain hour;' which was ordered to lay over for one day.

Mr Phillips introduced a bill to be entitled an act to alter and amend the laws in relation to bills of exchange, and promissory notes; which was read and ordered to a second reading.

Mr Dailey offered the following resolution:

Resolved, That when the Senate adjourns, it stands adjourned until three o'clock post meridian.

Which was lost.

On motion of Mr Terry, an engrossed bill from the House of Representatives, was taken from the table, to be entitled an act to authorize Henry Hunter, of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington, in said county, and for other purposes: the question was upon the adoption of the amendment offered by Mr Phillips.

On motion of Mr Lea, the bill, together with the amendment, was referred to the committee on roads, bridges, and ferries.

Mr Dailey offered the following resolution; which was adopted.

Resolved, That the committee on retrenchment be requested to inquire into the propriety of passing a law prohibiting any man from being eligible as Director of the State Bank, or any of its Branches, who is liable in any or all of the banks of the State, to greater amount than amount thousand dollars, and that they report by bill or otherwise.

The Senate proceeded to the consideration of the orders of the day.

Engrossed bill from the House Representatives to be entitled an act ma-

king appropriations for the payment of certain claims against State, was read a third time and passed. Ordered, that its title remain unchanged.

Engrossed bill from the House of Representatives, to be entitled an act to change the time of holding the August term of the commissioners court of roads and revenue, in the county of Henry, was read the second time, and ordered to a third reading.

A bill to be entitled, an act to compensate the commissioners of roads and revenue, in the county of Wilcox, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to incorporate the Midway academy, in the county of Macon, was read a second time, and on motion of Mr Hudson, referred to the committee on education.

A bill to entitled an act to compensate the commissioners of roads and revenue in the county of Dale, and for other purposes. was read a second time and ordered to be engrossed for a third reading.

Engrossed bill to be entitled, an act to improve that portion of the Beckbee river, above its junction with the Warrior, not heretofore embraced in any act for the improvement of the navigation of the Beckbee river, was read a third time and passed. Ordered, that its title remain unchanged.

A bill to be entitled, an act repeal so much of the venue laws of this State, as relates to criminal cases, was read a second time.

Mr Terry moved to postpone its further consideration indefinitely, and the yeas and nays were demanded. Yeas 15–Nays 16.

YEAS– Messrs President, Address, Creagh, Dent, Lea, Lloyd, McConnell, McVay, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

NAYS–Messrs Alston, Clarke, Dailey, Farrar, Hall, Hudson, Jones, King, McAllister, Oliver, Phillips, Reese, Rodgers, Ross, Watrous, and Womack.

The Senate refused to postpone.

The bill was then, on motion of Mr King referred to the committee on the judiciary.

Engrossed bill to be entitled, an act for the relief of Andrew J. Dozier, was read a third time; and on its passage the yeas and nays demanded. Yeas 18–Nays 13.

YEAS– Messrs President, Address, Clarke, Creagh, Hall, Jones, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Terry, Thornton, Toulmin, Turner, Wotrous, and Womack.

NAYS–Messrs Alston, Dailey, Dent, Farrar, Hudson, King, Lloyd, McVay, Rodgers, Ross, Smith, Wilson of F. and Wilson of J.

The bill was passed.

A bill to be entitled an act requiring the judge of the county court for Monroe county, to reside at, or within five miles of the court house of said county, was read a second time.

Mr Terry moved to amend the bill by striking out 'one' where it occurred in the second section, and insert 'three,' where it occurs; which was lost.

The bill was ordered to be engrossed for a third reading.

A bill to be entitled, an act to remove the Branch of the Bank of the State of Alabama, at Decatur, from its present location, was red a second time, and on motion Mr McConnell, referred to a select committee; Messrs McCon-nell, Hall, and Watrous, were appointed said committee.

A bill to be entitled an act for the payment of claims of overseers of roads,

in the different counties in this State, was read a second time. The Senate refused to order it to be engrossed for a third reading.

Engrossed bill to be entitled an act prevent frauds in elections, was read a third time.

Mr Dent moved to lay it upon the table and print one hundred and thirty-three copies.

Mr Cottrell called for a division of the question, which was taken upon laying it upon the table; and the yeas and nays were demanded. Yeas 11--Nays 21.

YEAS—Messrs Alston, Address, Dent, Jones, King, Lea, Oliver, Phillips, Thornton, Watrous, and Womack.

NAYS—Messrs President, Clarke, Creagh, Dailey, Farrar, Hall, Hudson, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The Senate refused to lay it on the table.

Mr Phillips offered the following amendment to come in at the end of the bill; which was adopted, to wit:

Provided, That nothing herein contained shall be construed to effect any prosecution or proceeding now pending against any person or persons, for violation of the laws on the subject of election; but said person or person shall be punished on conviction according to the laws heretofore in force.

On motion of Mr Hudson, the further consideration of the bill was postponed until half past three o'clock, and made special order for that hour.

Mr Hudson moved that when the Senate adjourn, it will adjourn until half past three o'clock; which prevailed.

On motion of Mr Hudson the Senate adjourned.

EVENING SESSION, half past three o'clock.

The Senate met pursuant to adjournment.

The engrossed bill to be to entitled an act prevent frauds in elections, being the special order for the hour.

On motion of Mr Wilson of F. the first blank in the first section was filled with 'three hundred,' and with the first blank in the fifth section was filled with 'two hundred,' the second with 'four hundred,' the third with 'one month,' and the fourth with 'four.'

Mr Lea offered the following amendments to come in at the end of the fifth section: "nor shall the provision of this section apply to any citizens who is absent on necessary business from the county of his residence." Upon the adoption of which, the yeas and nays were demanded. Yeas 18--Nays 13.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Dent, Hudson, King, Lea, Lloyd, McConnell, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Smith, Thornton, and Womack.

Those who voted in the negative are Messrs President, Clarke, Creagh, Farrar, Hall, Jones, McAllister, Reese, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The amendment was adopted.

Mr Alston moved to refer the bill to a select committee, with instructions to strike out the amendment submitted by the committee; and also the amendment of Mr Lea; upon which yeas and nays were called. Yeas 9--Nays 22.

Those who voted in the affirmative are Messrs Alston, Address, Clarke, Dent, Lea, McConnell, Oliver, Phillips, and Thornton.

Those who voted in the negative are Messrs President, Creagh, Dailey, Farrar, Hall, Hudson, Jones, King, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

The Senate refused to refer.

Mr Rice moved a reconsideration of the vote taken upon the adoption of the amendment of Mr Lea; upon which motion the yeas and nays were demanded. Yeas 27–Nays 4.

Those who voted in the affirmative are Messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Hudson, Jones, King, Lloyd, McAlister, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

The vote was reconsidered, and the question of its adoption recurred, and was decided by the yeas and nays. Yeas 10–Nays 21.

Those who voted in the affirmative are Messrs Alston, Address, Dailey, Lea, McConnell, McVay, Oliver, Phillips, Ross and Thornton.

Those who voted in the negative are Messrs President, Clarke, Creagh, Dent, Farrar, Hall, Hudson, Jones, King, Lloyd, McAllister, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

The amendment was lost.

The question was then taken upon the passage of the bill; upon which the yeas and nays were demanded. Yeas 26–Nays 5.

YEAS– Messrs President, Alston, Address, Clarke, Creagh, Farrar, Hall, Hudson, Jones, King, Lloyd, McAllister, McConnell, Oliver, Phillips, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

NAYS–Messrs Dailey, Dent, Lea, McVay, and Ross.

The bill was passed. Ordered, that the its title remain as aforesaid.

Ordered, that it be sent to the House of Representatives for its concurrence.

On motion of Mr King, the orders of the day were suspended for the purpose of taking from the table a bill to be entitled an act to assist the Montgomery Rail Road Company; which was placed among the orders of the day.

Mr Reese moved to adjourn; which was lost.

A bill to be entitled an act in relation to the sixteenth section of township tenth, range fifth, in Wilcox county, was read the second time, and on motion of Mr Ross, referred to the committee on the judiciary.

A bill to be entitled an act for the protection of securities in certain cases, was read a second time.

Mr Jones moved its reference to a select committee; which was lost.

The bill was ordered to be engrossed for a third reading.

Mr McConnell moved that the Senate adjourn; which was lost.

A bill to be entitled an act to establish a board of physicians in the town of Jacksonville, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act concerning deeds, was read a second time, and on motion of Mr Ross, referred to the committee on the judiciary.

A bill to be entitled an act to authorize the Directors of the Florence Bridge Company, to establish rules, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to be entitled an act for the relief of James R. Powell, was read a second time, and on motion of Mr Wilson of F. the word 'or any other per-

son,' were inserted after the word 'Powell,' in the sixth line of the first section. The bill was then ordered to be engrossed and read a third time.

A bill to be entitled an act to create a sinking fund for the reduction of the five per cent. bonds, issued by the State of Alabama, was read a second time, and on motion of Mr McConnell, referred to the committee on the State Bank.

A bill to be entitled an act to restrict the several corporations in the State of Alabama, was read a second time. On motion of Mr Toulmin, it was referred to a select committee, consisting of Messrs Toulmin, Terry and Hall.

A bill to be entitled an act to better regulate the securement and collection of debts due the Bank of the State of Alabama and the several Branches, was read a second time, and referred the committee on the State Bank.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the town of Columbiana, in the county of Shelby, approved 5th December, 1837, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives, to be entitled an act to repeal two acts therein named so far as they relate to the revenue of Marshall county, and for other purposes, was read a second time. Mr Wilson of J. moved its reference to a select committee; which was lost. The bill was then on motion of Mr Wilson of J. referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to attach a part of the county of Wilcox to the county of Butler, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives, to be entitled an act to regulate taxation in the county of Henry, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act making appropriations for the payment of certain claims against the State, was read a second time. On motion of Mr Hudson it was referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives to be entitled an act to authorize and compel the tax collector for the county of Covington to receive in payment of taxes of said county, jury tickets for services rendered in the circuit and county courts, and for other purposes, was read a second time, and ordered to a third reading.

Mr Clarke moved that the Senate adjourn ; which was lost.

Engrossed bill from the House of Representatives to be entitled an act to raise a fund for the pay of jurors for the county of Pike, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to alter the mode of assessing and collecting the taxes for Henry and Dale counties, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Fireman's Insurance company of Mobile, was read a second time. On motion of Mr Alston it was referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled an act to authorize the election of an assessor and tax collector for the county of Cherokee, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to divorce William G. Haun from his wife Catharine Haun, was read a second

time, and on motion of Mr Hudson referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives to be entitled an act to limit the session of the circuit court of Talladega to three weeks, was read a second time, and ordered to third reading.

A bill to be entitled an act allowing compensation to certain persons, was read a second time. Mr Terry moved that it be referred to select committee; which was lost. The question recurred upon ordering the bill to a third reading. The yeas and nays were demanded. Yeas 18—Nays 11.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Hall, Hudson, Jones, King, McAllister, McConnell, Oliver, Phillips, Rodgers, Ross, Smith, Thornton, Toulmin and Womack.

Those who voted in the negative are, Messrs Dailey, Dent, Farrar, Lea, Lloyd, McVay, Rice, Terry, Turner, Wilson of F. and Wilson of J.

The bill was ordered to be engrossed.

Engrossed bill from the House of Representatives to be entitled an act to authorize the tax collector for the counties of Marshall, Chambers, and Talladega, to receive jury certificates in payment of taxes due said counties, was read a third time and passed. Ordered, that its title remain unchanged.

Ordered, that it sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to change the time of holding the county court of Marengo county, was read the third time and passed the Senate. Ordered, that its title remain as above.

On motion of Mr Dent, the Senate adjourned.

WEDNESDAY, December 9th 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate two documents in relation to the contested election from the county of Sumter; which was referred to the committee on privileges and elections.

Mr King presented the memorial of R. S. Gladney, T. Morrow, J. Holder, James Summerville, and James Knox, on the subject of retailing ardent spirits in less quantities than one gallon.

Mr King moved the reference of the memorial to one Senator from each judicial circuit; which was lost.

Mr Wilson of J. moved its reference to the committee on propositions and grievances; which was lost.

On motion of Mr Smith it was laid upon the table.

Mr Phillips asked and obtained leave to withdraw the account of Thomas T. Gammage.

Mr Lea from the committee on internal improvement and inland navigation, to whom was referred an engrossed bill from the House of Representatives, to be entitled an act for the relief of Benjamin C. Lausdale of the county of Henry, reported the same to the Senate, without amendment and recommended its passage. The bill was then placed among the orders of the day.

Mr Rice, from the committee on education, to which was referred the petition of sundry citizens of Limestone county, relative to the sale of the sixteenth section in township two, range six west, reported a bill to be entitled an act for the benefit of the sixteenth section of township two, range six west, in the county of Limestone, which was read a first time and ordered to a second reading.

Mr Toulmin, from the committee on military affairs , to whom was referred the petition of the citizens of the seventy -second regiment int the county of Benton , reported that it is inexpedient to legislate on the subject, as the existing law authorizes the regimental courts martial to grant the prayer of the petitioners, in which the Senate concurred.

Mr Terry, from the committee on privileges and elections , to which was referred that part of the Governor's message in relation the general ticket system, reported a bill to be entitled an act to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, which was read a first time and ordered to a second reading.

Mr Toulmin, from the select committee to which was referred a bill to be entitled an act to restrict the several corporations in the State of Alabama, reported that they have amended the same by adding the enacting clause in the first section, in which the Senate concurred . The bill was read the second time and ordered to be engrossed for a third reading.

Mr Lloyd from the select committee, to which was referred an engrossed bill from the House of Representatives , to be entitled an act permanently to locate the seat of justice of Marshall county, and for other purposes, reported the same to the Senate without amendment , and recommended its passage. The bill was placed among the orders of the day.

Mr McConnell from the select committee to which was referred a bill to be entitled an act concerning a certain turnpike road therein named , reported the same to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr McConnell, from the select committee to which was referred a bill to be entitled an act to remove the branch of the bank of the State of Alabama at Decatur, from its present location, reported the same to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Hall offered the following preamble and resolution, which was adopted:

Whereas, we consider the right and duty of self-preservation to be paramount to every consideration of interest, and believing that the time, has arrived when the slaves bear a fearful proportion to the free white population, and that the time is not very distant, when the increase of our slave population will endanger the peace and security of the slave holding states of this Union, without some efficient interposition on the part of the State Legislatures;

Be it therefore resolved, That the committee on the judiciary be instructed to inquire into the expediency and propriety of passing a law prohibiting , under severe penalties, the further introduction of slaves into this State for sale, with leave to report by bill or otherwise.

Mr Wilson of J. introduced joint resolutions authorizing the branch bank at Decatur to compromise with the securities of George Swink & Co., which was read a first time, and on motion of Mr Dent, the constitutional rule was dispensed with, and the resolutions were read a second time, and referred to the committee on the State Bank.

Mr Dailey introduced a bill to be entitled an act to establish an additional precinct in Tallapoosa, which was read a first time, and ordered to a second reading.

Mr introduced a bill to be entitled an act to explain and define the fees of county court judges, which was read a first time and ordered to a second reading.

The Senate then took up the orders of the day.

Joint resolutions requiring all accounts against the State, to be presented to and audited by the comptroller of public accounts, was read a second time, and on motion of Mr Reese, referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives, of the following titles, to wit:

An act to incorporate a male and female academy at the town of McDonald, in the county of Randolph, Alabama:

A bill to be entitled an act regulating sales by sheriffs of the county of Bibb:

A bill to be entitled an act for the benefit of the Alabama Fencibles:

A bill to be entitled an act to repeal the fifth section of an act to incorporate the town of Fredonia, in Chambers county, approved Feb. 4, 1840:

Were severally read a third time and passed the Senate. Ordered , that the title of each remain as above.

A bill to be entitled an act to amend the law in relation to sales at auction in the city and county of Mobile , was read a second time.

On motion of Mr Lea, the word 'damaged,' was stricken out, and the bill was ordered to be engrossed for a third reading.

A bill to be entitled an act to compensate Jefferson Buford, for sending express with despatches in relation to State service, to General Wellborn, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of the Florence Bridge company, was read a second time, and on motion of Mr McConnell, referred to the committee on the State Bank.

Engrossed bill from the House of Representatives , to be entitled an act requiring the judge of the county court of Shelby county to reside at or within three miles of the court house, was read a third time.

Mr Womack offered the following amendment:

'And be it further enacted, That the judge of the county court of Butler county, hereafter appointed or elected shall be subject to and governed by all the provisions of the above act, which was adopted and the bill passed the Senate.

On motion of Mr King, the caption was amended by adding after 'Shelby,' the words 'and Butler.'

Engrossed bill from the House of Representatives to be entitled an act to authorize the election of an assessor and tax collector for the county of De Kalb , was read a third time and passed. Ordered , that its title remain as aforesaid.

A bill to be entitled an act to fix the salary of the solicitor of the tenth judicial circuit, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act regulating the fees of bank attorneys on collections from the purchasers of sixteenth sections, was read a second time and on motion of Mr Rice, referred to the committee on the judiciary.

A bill to be entitled an act to authorize the bank of the State of Alabama, and the several branches thereof, to purchase property at their own sale, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize the purchase and distribution of certain books, was read the second time.

On motion of Mr Thornton the bank in the first section was filled by the

words 'Philip Phillips;' the bill was then ordered to be engrossed for a third reading.

Message from the House of Representatives , by Mr . Phelan:

Mr President—The House of Representatives has concurred in the amendments made by the Senate to the joint resolutions in relation to the supreme court decisions:

The House has also passed a bill to be entitled an act to repeal that part of the military law, which requires brigade encampments drills, and for other purposes:

In which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives , to be entitled an act to repeal that part of the military law which requires brigade encampment drills and for other purposes, was read a first time.

On motion of Mr Hudson, the constitutional rule was dispensed with, and the bill was read a second time.

On motion of Mr Dent, it was referred to the committee on military affairs.

A bill to be entitled an act to reduce the number of trustees of the University, and to make the judges of the supreme court ex officio members of the board was read a second time.

Mr Hall moved to strike out the second section, upon which the yeas and nays were demanded. Yeas 6—Nays 24.

Those who voted in the affirmative are, Messrs President, Farrar, Hall, McVay, Oliver and Ross.

Those who voted in the negative are, Messrs Alston, Andress, Clarke, Creagh, Dailey, Dent, Hudson, King, Lea, Lloyd, McAllister, McConnell, Phillips, Reese, Rice, Rodgers, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack.

The Senate refused to strike out. The bill was ordered to be engrossed and read a third time.

A bill to be entitled an act to abolish brigade encampments so far as relates to the third brigade and seventh division of Alabama militia, was read a second time, and on motion of Mr Hudson, referred to the committee on military affairs.

A bill to be entitled an act to secure a homestead to every family within this State, was read a second time, and Mr Rice, moved to postpone it indefinitely; upon which motion the yeas and nays were demanded . Yeas 9—Nays 18.

Those who voted in the affirmative , are Messrs President , Clarke, Creagh, Farrar, Lloyd, Rice, Toulmin, Turner and Wilson of F.

Those who voted in the negative , are Messrs Alston, Andress, Dailey, Hudson, Hall, King, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Smith, Terry, Wilson of J. and Womack.

The Senate refused to postpone indefinitely.

On motion of Mr Creagh, the bill was referred to the committee on re-trenchment .

A bill to be entitled an act to limit the indebtedness of all persons to the Bank of the State of Alabama and its several Branches, was read a second time, and on motion of Mr Jones referred to the committee on the State Bank.

A bill to be entitled an act to incorporate the Stockton Steamboat Company, was read a second time, and on motion of Mr Creagh, was referred to the committee on the judiciary.

A bill to be entitled an act to regulate damages in the supreme, circuit and

county courts, was read a second time, and on motion of Mr Toulmin, referred to the committee on the judiciary.

A bill to be entitled an act to incorporate the Warrenton male and female academy in the county of Dallas, was read a second time. On motion of Mr Phillips the blank in the first section was filled with the following names, to wit: John H. D. Womack , Willis Carr, James E. Soda, Allen W. Coleman, Harvey W. Womack and William G. McKennie. The bill was ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of William Taylor and Abner McGehee, was read a second time and ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act to extend the jurisdiction of justices of the peace in certain cases was read a third time and passed. Ordered, that its title remain unchanged.

Engrossed bill from the House of Representatives to be entitled , an act to authorize the tax collector and clerk of the county court of Tallapoosa county to receive in payment of public dues certain certificates therein named.

Mr Terry offered the following amendment:

'Provided, The provisions of this act shall apply to each county, in the State.

On motion of Mr Hall, the bill was referred to a select committee consisting of six senators , Messrs Hall, Dailey, Terry, Address, McConnell, and Lea, were appointed the committee.

Engrossed bill to be entitled , an act to authorize the tax collector for the county of Monroe, to receive jury certificates in payment for taxes due said county, was read the third time, and on motion of Mr Terry, referred to the same committee as above.

Engrossed bill from the House of Representatives to be entitled, an act for the relief of the citizens of Deerhead Cove, in the county of De Kalb, was read a third time and passed. Ordered, that the title remain unchanged.

Ordered , that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled , an act to complete the improvement in the Muscle Shoals, in the Tennessee river, was read a third time: and the question was shall the bill pass? upon which the yeas and nays were ordered. Yeas 15–Nays 15.

Those who voted in the affirmative , are Messrs Clarke, Creagh, Dailey, King, Lea, Lloyd , McVay Rice, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative , are Messrs President , Alston, Address, Dent, Farrar, Hall, Hudson, Jones, McAllister, McConnell, Oliver, Phillips, Rodgers, Ross, and Womack.

The bill was lost.

Engrossed joint resolutions proposing the call of a convention , were read third time.

On motion of Mr Hall, the further consideration of the resolutions was postponed until half past three o'clock this evening , and made the special order for that hour.

On motion of Mr Phillips the Senate then adjourned.

THURSDAY, December 10, 1840.

The Senate met pursuant to adjournment.

Message from His Excellency, the Governor, by his private Secretary.

EXECUTIVE DEPARTMENT,

Tuscaloosa, December 10, 1840.

Sir—I have received , with a request , to lay them before the General Assembly, the accompanying resolutions of the Legislature of Vermont, in relation to the election of President of the United States.

A. P. BAGBY.

Hon. J. L. F. COTTRELL, President of the Senate.

On motion of Mr Reese, the message and accompanying documents were referred to the committee on federal relations.

Mr Rodgers presented the account of D. H. Valliant, sheriff of Lawrence county; which was referred to the committee on accounts.

Mr Reese presented the petition of James Thompson, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Reese from the committee on education , to which was referred a bill to be entitled , an act to incorporate Midway male academy, in the county of Macon, reported the same back to the Senate with the following amendments, to wit: in the eighth line of the first section, strike out 'John Collins' and insert in lieu thereof ' John M. Brown, James A. McLenden, and P. R. McCrary,' and in the ninth line, insert the letter 'G.' between Thomas and Jordan, and recommended its passage.

The amendments of the committee were concurred in by the Senate ; the bill read a second time, and ordered to be engrossed for a third reading.

Mr Rice from the same committee to which was referred a bill entitled an act to incorporate the Judson female institute in the county of Perry, reported the same to the Senate with the following amendment, to wit: in the nineteenth line first section, after word 'and' insert 'to grant certificates or diplomas , or such other evidence of scholarship , as they may prescribe ,' and with the amendment recommended the passage of the bill.

The amendment was concurred in and the bill read the second time and ordered to be engrossed for a third reading.

Mr McConnell introduced a bill to be entitled an act in relation to the commissioners court of Talladega county; which was read and ordered to a second reading.

Mr Lea introduced a bill to be entitled an act to amend an act to organize and establish separate courts of chancery; which was read a first time, the constitutional rule dispensed with, was read a second time; and on motion of Mr Lea referred to the committee on the judiciary.

Mr King moved to take from the table an amendment offered by himself to the tenth rule of the Senate . The question was then taken upon its adoption; which was lost. Yeas 11—Nays 18.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Alston, Andress, King, Lea, Oliver, Phillips, Ross, Thornton, Turner, Watrous and Womack.

Those who voted in the negative, are Messrs President , Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Lloyd, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, and Wilson of J.

Message from the House of Representatives , by Mr . Phelan:

Mr President —The House of Representatives has concurred in the amendments made by the Senate to the bill making appropriations for the payment of certain claims against the State:

And the bill to authorize the tax collectors of the counties of Marshall, Chambers, and Talladega, to receive jury certificates in payment of taxes in said counties.

The House has also passed a bill to change the time of holding the county court of Lauderdale county; in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act to change the time of holding the county court of Lauderdale county, was read a first time, and on motion of Mr McVay, the constitutional rule requiring bills and joint resolutions to be read on three several days was dispensed with, and the bill read a second time: on motion of Mr McVay, the rule was further suspended, and the bill read a third time, and passed. Ordered , that the title remain as aforesaid.

Mr Turner introduced a bill to be entitled an act for the relief of Robert A. High; which was read a first time. Mr Turner moved to suspend the constitutional rule, with a view of giving the bill a second reading; which was ordered. The bill was then read a second time and on motion of Mr Turner referred to the committee on the State Bank.

Mr Wilson of F. introduced a bill to be entitled an act imposing certain duties on the Secretary of State; which was read and ordered to a second reading.

On motion of Mr Dailey,

Resolved, That when the Senate adjourn it stand adjourned until three o'clock P. M.

Mr Alston from the select committee , to whom was referred a bill to be entitled an act to alter the times of holding the circuit courts in the first judicial circuit, reported the same back to the Senate , and recommended its passage: the bill was then placed among the orders of the day.

Mr Terry from the committee on the State Bank, to which was referred a resolution instructing them to inquire into the expediency of requiring the President and Directors of the Banks of this State, to remit all interest and charges on notes when the money has not been taken from Bank ; and the said President and Directors , shall write out in full the names of every member of the Legislature and their securities in the report of their indebtedness; reported, that it is inexpedient to legislate upon the subject , inasmuch as the several boards of Directors have the power sought by the resolution , in as ample a degree as it could be conferred by any additional law.

Which, on motion of Mr Alston was laid upon the law.

Mr Terry presented a communication from the cashier of the Branch Bank at Montgomery in answer to a resolution adopted by the Senate, asking the amount of salary and fees paid to the Bank attorney; which was read , and on motion of Mr McConnell, laid upon the table.

Mr Phillips moved to reconsider the voted refusing to pass a bill to be entitled an act to complete the navigation of the Muscle Shoals in the Tennessee river, taken on yesterday. The yeas and nays were demanded. Yeas 13—Nays 8.

Those who voted in the affirmative are Messrs President , Clarke, Creagh, Dailey, Jones, King, Lea, Lloyd, McAllister, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Dent, Farrar, Hudson, Hall, McConnell, and Womack.

The voted was reconsidered.

The question was then put 'shall the bill pass?' which was decided in the affirmative. Yeas 19–Nays 11. The yeas and nays being desired.

Those who voted in the affirmative , are Messrs President , Clarke, Creagh, Dailey, Jones, King, Lea, Lloyd, McVay, Phillips, Reese, Rice, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative , are Messrs Alston, Address, Dent, Farrar, Hudson, Hall, McConnell, Oliver, Rodgers, Ross, and Womack.

Ordered, that the bill remain as aforesaid.

Mr Terry from the committee on the State Bank, to whom was referred an act to authorize the Board of Directors of the Branch of the Bank of the State of Alabama, at Montgomery, to allow the attorney of said Branch Bank just and reasonable compensation , reported the same back to the Senate without amendment: the bill was then placed among the orders of the day.

Mr Hall from the select committee , to which was referred a bill entitled, an act to authorize the tax collector for the county of Monroe , to receive jury certificates in payment for taxes due said county, reported the same back to the Senate without amendment , and recommended its passage : the bill was then placed among the orders of the day.

Mr Rodgers offered the following resolution, to wit:

Resolved , That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives to-morrow at twelve o'clock , for the purpose of electing printer for the State for one year, from the sixteenth day of January next, when the time for which the present incumbent was elected , will expire.

Mr Dent moved to lay the resolution on the table; which was lost. Yeas 14 –Nays 15. The yeas and nays being desired.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Dent, King, Lea, Lloyd, McConnell, Oliver, Phillips, Ross, Thornton, Wilson of F. and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh-Farrar, Hudson, Hall, Jones, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, and Wilson of J.

McConnell moved to postpone the resolution until Monday next; which was carried.

Mr Terry from the committee on the State Bank to which was referred a bill to be entitled, an act to better regulate the securement and collection of debts due the Bank of the State of Alabama and the several Branches, reported the same as inexpedient to be passed. The bill was then placed among the orders of the day.

Mr Hall from the select committee to whom was referred a bill authorizing the tax collector of Tallapoosa county, to receive in payment of public dues, certain certificates therein named, reported a substitute therefor, and recommended its passage ; which was adopted.

The question as then taken 'shall the bill pass; which was carried.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed joint resolutions proposing the call of a convention were read a third time and upon the question of the passage, the yeas and nays were demanded. Yeas 17—Nays 14.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Dailey, Farrar, Hall, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Toulmin, Turner, and Womack.

Those who voted in the negative, are Messrs Alston, Dent, Hudson, Jones, King, Lea, Lloyd, McVay, Rice, Rodgers, Terry, Thornton, Wilson of F. and Wilson of J.

A majority having voted for the resolutions, Mr President declared them to have passed.

Mr Thornton appealed from the decision of the chair, contending a majority of two-thirds to have been necessary for the passage.

The question was then put 'shall the decision of the chair stand as the judgment of the Senate?' which was decided in the affirmative. Yeas 19—Nays 11.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Dailey, Farrar, Hall, Lea, Lloyd, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Turner, Wilson of J. and Womack.

Those who voted in the negative, are Messrs Alston, Dent, Hudson, King, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, and Wilson of F.

Engrossed bill to be entitled an act to authorize clerks of the county courts of the several counties in this State, to sue on stay bonds in the beat in which the courthouse is situated, as read a third time and passed. Ordered that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act to assist the Montgomery Railroad Company, was read a second time.

On motion of Mr Jones, the words 'each stockholder,' in the fourth line of the third section, was stricken out, and the words 'the stockholders' inserted in lieu thereof.

Mr McConnell moved to strike out the second section; which was carried.

Yeas 15—Nays 14.

Those who voted in the affirmative are Messrs Clarke, Dent, Farrar, Hudson, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs Alston, Andress, Creagh, Hall, Jones, King, Lea, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, and Womack.

On motion of Mr Lea, the bill was then laid upon the table.

On motion of Mr Dent, the orders of the day were suspended.

Mr Dent introduced a bill to be entitled an act to change the county lines of Pickens and Tuscaloosa, so as to include Miles A. Davidson in the county of Tuscaloosa; which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, the bill was a second time, and referred to a select committee, consisting of Messrs King, Dent, and Oliver.

Mr Phillips from the committee on internal improvement and inland navigation to whom was referred a resolution of inquiry into the expediency of making an appropriation for the improvement of the navigation of the Alabama river, reported and recommended its passage, a bill to be entitled, an act for the improvement of the navigation of the Alabama river.

Mr Hall presented the petition of Robert J. Glenn, and George Reeves of Autauga county, the reading of which was dispensed with, and on motion referred to the committee on the State Bank.

Mr Terry from the committee on the State Bank, to which was referred a resolution inquiring into the expediency of winding up the Bank of the State and its several Branches, reported that it was inexpedient to wind up said Banks at this time.

Mr McConnell moved to lay the report and resolution on the table.

Mr Wilson of F. called for the yeas and nays; which were ordered. Yeas 18—Nays 9.

Those who voted in the affirmative, are Messrs Alston, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Lea, Lloyd, McAllister, McConnell, Phillips, Rice, Rodgers, Ross, Turner, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Address, Hudson, Jones, King, McVay, Oliver, Terry, Toulmin, and Wilson of J.

The resolution and report were laid upon the table.

The Senate then resumed the consideration of the orders of the day.

Engrossed bill to be entitled, an act concerning exemptions from public roads in De Kalb county, was read a third time and passed.

Mr Wilson moved to amend the caption by adding the words 'and for other purposes;' which was carried. Ordered, that the same be sent to the House of Representatives for its concurrence.

On motion of Mr Dent the Senate adjourned until three o'clock this evening.

EVENING SESSION, three o'clock, P. M.

The Senate met pursuant to adjournment and resumed the consideration of the orders of the day.

A bill to be entitled an act more effectually to enforce the performance of the duties of sheriffs, in certain cases, was read a second time, and on motion of Mr Phillips referred to the committee on the judiciary.

A bill to be entitled an act to ascertain and fix permanently the line between the counties of Madison and Jackson, was read a second time, and on motion of Mr Wilson of J. the bill was amended by adding the words 'and Jackson' after the word 'Madison,' in the fifth line of the first section; it was then ordered to be engrossed for a third reading.

A bill entitled, an act for the relief of Unicy Windham, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to be entitled an act to amend the law in relation to bills of exchange and promissory notes, was read a second time, and on motion of Mr Phillips, referred to the committee on the judiciary.

On motion of Mr McConnell, the orders of the day were suspended.

Mr McConnell offered the following joint resolution, to wit:

'Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Cashier of the Bank of the State of Alabama, be, and is hereby required, not to pay any draft drawn by the president of the commissioners for the improvement of the navigation of the Coosa river.'

Which was read a first time: the constitutional rule being dispensed with, was read a second time forthwith.

Mr McConnell, moved further to dispense with the rule,

Mr Hudson moved to refer the resolution to the committee on internal improvement and inland navigation; which was lost. The question then recur-

red upon Mr McConnell's motion to dispense with the constitutional rule; which was refused. Yeas 19–Nays 11.

Those who voted in the affirmative , are Messrs President , Alston, Address, Dent, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative , are Messrs Clarke, Creagh , Dailey, Farrar, Hudson, Hall, Oliver, Phillips, Reese, Terry, and Wilson of J.

The resolution was then ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act for the relief of James R. Powell, was read the third time, and the yeas and nays were demanded on its passage. Yeas 11–Nays 19.

Those who voted in the affirmative , are Messrs President, Creagh, Dent, Hall, McAllister, McConnell, Phillips, Terry, Toulmin, Wilson of F. and Womack.

Those who voted in the negative , are Messrs Alston, Address, Clarke, Dailey, Farrar , Hudson, Jones , King, Lea, Lloyd , McVay, Oliver, Reese, Rice, Rodgers, Ross, Smith , Turner and Wilson of J.

The bill was lost.

Engrossed bills of the following titles, to wit:

An act to compensate the commissioners of roads and revenue in the county of Wilcox:

A bill to be entitled an act to compensate the commissioners of revenue and roads in the county of Dale, and for other purposes:

A bill to be entitled an act requiring the judge of the county court of Monroe county, to reside at or within five miles of the court house in said county.

A bill to be entitled an act for the protection of securities in certain cases

A bill to be entitled an act to establish an additional board of physicians in the town of Jacksonville:

A bill to be entitled an act to restrict the several corporations in the State of Alabama;

All of which were severally read the third time, and passed the Senate

Ordered that the title of each remain unchanged.

Engrossed bills from the House of Representatives of the following titles, to wit:

A bill to be entitled an act to change the time of holding the August term of the commissioners court of roads and revenue in the county of Henry:

A bill to be entitled an act to amend an act to incorporate the town of Columbiana, in the county of Shelby, approved , 5th, December, 1837:

A bill to be entitled an act to attach a part of the county of Wilcox to the county of Butler:

A bill to be entitled an act to regulate taxes for said county, jury certificates for services rendered in the circuit and county courts, and for the county of Covington, to receive in payment of taxes for said county , jury certificates for services rendered in the circuit and county courts , and for other purposes:

A bill to be entitled an act to raise fund for the payment of jurors for the county of Pike;

A bill to be entitled an act to alter the mode of assessing and collecting the taxes for Henry and Dale counties:

A bill to be entitled an act authorizing an election of an assessor and tax collector for the county of Cherokee:

A bill to be entitled an act to limit the session of the circuit court of Talladega county to three weeks:

All of which were severally read the third time and passed the Senate. Ordered that the title of each remain as aforesaid.

Ordered, that they be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act allowing compensation to certain persons, was read a third time.

Mr Rice offered an amendment by way of engrossed rider, to wit: 'that Jethro D. Conway of Capt. John McKinzie's company, be entitled to all the benefits the above act.'

Mr Clarke offered the following amendment to the amendment, to wit: 'that Spartan Allen of Capt. Dicken's company, be entitled to the provisions of said act;' which was lost.

The question then recurred upon the adoption of the amendment; which was lost.

The question was then put, 'shall the bill pass,' and the yeas and nays were demanded. Yeas 16—Nays 14.

Those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Hudson, Hall, King, McAllister, Oliver, Philips, Reese, Ross, Terry, Toulmin, Turner and Womack.

Those who voted in the affirmative, are Messrs Alston, Dailey, Dent, Farrar, Jones, Lea, Lloyd, McConnell, McVay, Rice, Rodgers, Thornton, Wilson of F. and Wilson of J.

The bill passed. Ordered, that the title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Benjamin Lansdale of the county of Henry, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to locate the seat of justice of Marshall county and for other purposes, was read a second time and ordered to a third reading.

A bill to be entitled an act concerning a certain turnpike road therein named, was read a second time, and on motion of Mr Hall, referred to a select committee. Messrs Hall, McConnell and Smith, were appointed the committee.

A bill to be entitled an act to remove the Branch of the Bank of the State of Alabama at Decatur, from its present location, was read a second time, and on motion of Mr Hudson, referred to the committee on the State Bank.

A bill to be entitled an act for the benefit of the sixteenth section, township two, range six, west, in Limestone county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to establish the General Ticket System in elections for Representatives in Congress for the State of Alabama, was read a second time.

Mr Dent moved to postpone the bill until Monday next, and make it the special order for that day; which lost. Yeas 8—Nays 20.

Those who voted in the negative, are Messrs President, Alston, Address, Creagh, Dailey, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, Reese,

Rice, Ross, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr Andress moved to refer to the committee retrenchment; which was also lost Yeas 7–Nays 22.

Those who voted in the affirmative, are Messrs Andress, Dent, King, Lea, Oliver, Phillips and Thornton.

Those who voted in the negative, are Messrs President, Alston, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr Alston being entitled to the floor, was proceeding with his remarks in opposition to ordering the bill to be engrossed for a third reading, when he was called to order by the chair, for discussing subjects unconnected with the question before the Senate.

Mr Alston appealed from the decision of the chair.

The question was then put 'shall the decision of the chair remain as the opinion of the Senate;' which was decided in the negative.

Mr Hall moved that the Senate adjourn—lost.

The question was then taken upon ordering the bill to be engrossed for a third reading; which was carried. Yeas 15–Nays 12.

Those who voted in the affirmative, are Messrs President, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, Rice, Terry, Toulmin, Turner and Wilson of F.

Those who voted in the negative are Messrs Alston, Andress, Dent, King, Lea, McVay, Oliver, Phillips, Ross, Thornton, Wilson of J. and Womack.

The bill was ordered to be engrossed.

On motion of Mr Jones, the Senate then adjourned.

FRIDAY, December 11, 1840

The Senate met pursuant to adjournment.

Mr Smith, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to amend a certain act therein named:

A bill to be entitled an act for the relief of Africa Roundtree.

Mr Terry presented the petition of John J. Simpson, the reading of which was dispensed with, and on motion referred to the committee on internal improvement.

Mr Terry from the committee on the State Bank, to whom was referred various bills and resolutions, to wit:

A bill to be entitled an act to reduce the number of Directors of the Branch of the Bank of the State of Alabama at Mobile and for other purposes:

Also, a bill to be entitled an act to enlarge the discretion of the directory of the Bank of the State, and its several branches:

Also, a resolution instructing said committee to enquire into the expediency of providing for the collection of what is called the suspended debts:

Also, a resolution referring to them so much of the Governor's message as relates to the State Bank and Branches, and to banks generally:

Also, a bill to be entitled an act for the relief of Robert A. High & Co. reported a bill as a substitute for all, to be entitled an act to enlarge the discretion of the directory of the State Bank and Branches in securing debts due to said banks, and authorizing them to appoint bank marshals if necessary; and recommended its passage.

Mr Phillips moved to lay the report upon the table, and one hundred and thirty copies to be printed.

Mr Hall called for a division of the question, which was taken upon laying on the table, and carried.

The question was then taken upon ordering one hundred and thirty-three copies to be printed, which prevailed.

Mr Phillips from the judiciary committee to whom was referred a bill to be entitled an act to authorize the Directors of the Florence Bridge Company, to establish rules, reported the same with the following amendments, to wit: after the word 'necessary' in the twelfth line, insert 'not being inconsistent with the provisions of their charter, nor the constitution and laws of this State,' and after the word 'peace' in the seventeenth line, strike out the words 'or may or f any town. The Senate concurred in the amendments of the committee, the bill read a second time and ordered to be engrossed for a third reading.

Mr Phillips from the committee on the judiciary, to whom was referred a bill to be entitled an act to authorize attachments to issue on mortgages, deeds, in trust, &c. in certain cases, reported a substitute for the bill and recommended its passage.

On motion of Mr Jones, it was laid upon the table.

Mr Wilson of F. from the committee on privileges and elections, to whom was referred a bill to be entitled an act to abolish and establish certain election precincts, reported that they had amended the same by adding five additional sections, in accordance with the resolutions and petitions referred on that subject; in which the Senate concurred.

Mr Alston moved to amend by striking out the words 'the house of' before McKinley, which prevailed.

Mr Reese offered an amendment as an additional section—which was adopted.

Mr King moved further to amend by adding another section, which was carried.

Mr Hall moved further to amend by adding another section, which prevailed.

The bill as amended, was then ordered to be engrossed for a third reading.

Mr McAllister from the committee on Indian expenditures, to whom was referred the account of Lowry Banks, reported that it was inexpedient to allow the same, and asked leave to be discharged from the further consideration thereof.

Mr Smith moved to lay the report on the table, which was carried.

Mr Smith then asked and obtained leave to withdraw the account.

Mr McAllister from the same committee to whom was referred the account of Little & Hopkins, reported a bill allowing the same.

A bill to be entitled an act to compensate Little & Hopkins for passage and stores of sixty four volunteers soldiers, Captain Martin and Taylor's companies from Mobile to Demopolis and Jamestown, on board the steamer Wanderer, was read a first time and on ordering the bill to a second reading, it was lost.

Mr Smith from the committee on enrolled bill, reported that they had examined and found correctly enrolled, a bill to be entitled an act regulating the mode of collecting costs accruing in the supreme court.

Mr Turner from the committee on roads, bridges, and ferries, to whom was referred a bill to be entitled an act to authorize Henry Hunter to erect a gate or gates upon that part of the public road which runs through his land, opposite the

town of Lexington in Dallas county, and for other purposes, reported the same back to with the amendments of the Senate, and recommended its passage, in which the Senate concurred. The bill was then placed among the orders of the day.

Mr Terry from the select committee to whom was referred a bill entitled an act for the better regulation of the State printing, and altering, the mode of pay for the same, so that it may be let out to the lowest bidder, reported that the rates at present paid to the State printer are fair, reasonable and just: and that the present mode of paying for the printing is the very best possible mode that could be adopted, and therefore ask leave to be discharged from the further consideration of the bill, believing that it should not be passed. The bill was then placed among the orders of the day.

Mr Terry from the select committee to whom was referred a bill to be entitled an act in relation to descents and for other purposes, reported that they had amended the same by striking out the words "may have died or" in the fourth line of the fifteenth section. The amendment was concurred in by the Senate, the bill read a second time, and ordered to be engrossed for a third reading.

Mr Hall from the select committee to whom was referred a bill to be entitled an act concerning a certain turnpike road therein named, reported that they had amended the same as therein shewn, and recommended its passage. The amendment was read, and concurred in by the Senate. The bill was then ordered to be engrossed for a third reading.

Mr King from the select committee to whom was referred a bill to be entitled an act to change the line between the counties of Tuscaloosa and Pickens, so as to include Miles A. Davidson in the county of Tuscaloosa, reported the same back to the Senate without amendment, and recommended its passage. The bill was then placed among the orders of the day.

Mr President laid before the Senate, a communication in relation to the contested election from Sumter county, which, on motion of Mr Hudson, was referred to the committee on privileges and elections.

Mr Reese moved to reconsider the vote taken yesterday on referring a bill to be entitled an act to remove the branch of the Bank of the State of Alabama at Decatur, from its present location, to the committee on the State Bank.

Mr Hudson called for the yeas and nays. Yeas 16--Nays 13.

Those who voted in the affirmative, are Messrs President, Andress, Dailey, Farrar, Hall, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton, and Wilson of F.

Those who voted in the negative are Messrs Clarke, Creagh, Jones, Lloyd, McVay, Rice, Rodgers, Terry, Toulmin, Turner, Wilson of J. and Womack.

The vote was considered.

The question was then taken on referring the bill to the committee on the State Bank.

Mr Dailey demanded the yeas and nays; which were ordered. Yeas 14--Nays 16.

Those who voted in the affirmative, are Messrs Andress, Creagh, Dailey, Hudson, Jones, Lloyd, McVay, Rice, Rodgers, Terry, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are Messrs President, Alston, Clarke, Farrar, Hall, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton, And Wilson of F.

The Senate refused to refer.

Mr Hudson moved to strike out the word 'Talladega,' where it occurs in said bill, and called for the yeas and nays on that motion, which were ordered-- Yeas 19--Nays 11.

Those who voted in the affirmative are Messrs Alston, Address, Creagh, Farrar, Hudson, Jones, King, Lloyd, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Terry, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are Messrs, President, Clarke, Dailey, Hall, Lea, McAllister, McConnell, Reese, Smith, Thornton, and Wilson of F.

The motion to strike out prevailed.

Mr McVay moved to fill the blank with 'Florence.'

Mr Hall called for the previous question. The question was then 'Shall the main question be now put?'

Mr Hudson called for the yeas and nays. Yeas 25--Nays 6.

Those who voted in the affirmative are, Messrs President, Alston, Address, Clarke, Dailey, Dent, Farrar, Hudson, Hall, King, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Wilson of F. and Womack.

Those who voted in the negative are, Messrs Creagh, Jones, Lloyd, Terry, Turner and Wilson of J.

The previous question was sustained.

The question was then taken on ordering the bill to be engrossed on which the yeas and nays were called for by Mr Hudson. Yeas 19--Nays 12.

Those who voted in the affirmative, are Messrs President, Alston, Address, Dailey, Dent, Farrar, Hall, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton, Toulmin, and Womack.

Those who voted in the negative are Messrs Clarke, Creagh, Hudson, Jones, Lloyd, McVay, Rice, Rodgers, Terry, Turner, Wilson of F. and Wilson of J.

The bill was ordered to be engrossed for a third reading.

On motion of Mr Reese, a bill to be entitled an act to assist the Montgomery rail road company, was taken from the table, on which motion, Mr Hudson called for the yeas and nays. Yeas 20--Nays 9.

Those who voted in the negative are Messrs President, Alston, Address, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Wilson of J. and Womack.

Those who voted in the negative are Messrs Hudson, Lloyd, McConnell, McVay, Rice, Rodgers, Smith, Terry, and Wilson of F.

The bill was taken from the table.

Mr Farrar moved to reconsider the vote taken yesterday on striking out the second section of said bill.

Mr McConnell called for the yeas and nays. Yeas 15--Nays 16.

Those who voted in the affirmative are Messrs President, Alston, Address, Creagh, Dailey, Hall, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Thornton and Womack.

Those who voted in the negative are Messrs Clarke, Dent, Farrar, Hudson, Jones, Lloyd, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The Senate refused to reconsider.

Mr Reese moved to refer the bill to a select committee.

Mr Rice moved to postpone until the twenty-fifth instant.

Mr Hudson called for the yeas and nays. Yeas 14--Nays 17.

Those who voted in the affirmative, are Messrs Clarke, Farrar, Hudson, Jones, Lloyd, McConnell, McVay, Rice, Rodgers, Smith, Terry, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs President, Alston, Address, Creagh, Dailey, Dent, Hall, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Toulmin and Womack.

The Senate refused to postpone.

The question then recurred on referring to a select committee; which was lost.

Mr Reese then moved to refer the bill to the committee on internal improvement and inland navigation; upon which the yeas and nays were demanded.

Yeas 20 — Nays 11.

Those who voted in the affirmative are Messrs President, Alston,, Address. Clarke, Creagh, Dailey, Hudson, Hall, Jones, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Wilson, of J. and Womack.

Those who voted in the negative, are Messrs Dent, Farrar, Lloyd, McConnell, McVay, Rice, Rodgers, Smith, Terry, Turner and Wilson of F.

The bill was so referred.

Mr King moved that when the Senate adjourn, it will adjourn until half past three o'clock, this day; which was carried.

Mr Address introduced a bill to be entitled an act for the relief of Alexander of B. Pengrar of Monroe county, which was read a first time, an on motion of Mr Hudson, the constitutional rule requiring bills and joint resolutions to be read on three several days, was dispensed with, and the bill read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Terry, from the State Bank committee, to whom was referred the memorial of Nathaniel W. Fletcher, reported a bill to be entitled an act explanatory of an act entitled an act for the extension of debts due the Bank of the State of Alabama and its several branches, the issuance of post notes, and other purposes, approved February 1840, which was read and ordered to a second reading.

Mr Oliver moved to reconsider the vote taken yesterday on refusing to pass a bill to be entitled an act for the relief of James B. Powell, upon which the yeas and nays were demanded. Yeas 20 — Nays 11.

Those who voted in in the affirmative, are Messrs President, Address, Clarke, Creagh, Dailey, Hall, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Alston, Dent, Farrar, Hudson, Jones, King, Lloyd, McVay, Rice, Rodgers and Wilson of J.

The vote was reconsidered.

Mr Hall moved to refer the bill to a select committee; which was carried. Yeas 19 — Nays 12. The yeas and nays being desired,

Those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Dailey, Hall, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Terry, Thornton, Toulmin, Turner and Womack.

Those who voted in the negative, are Messrs Alston, Dent, Farrar, Jones, Lloyd, McVay, Rice, Rodgers, Smith, Wilson of F. and Wilson of J.

Messrs Hall, Lea and Reese, were appointed said committee.

Mr. Lea asked leave to withdraw the petition of Nathaniel W. Fletcher; which was granted.

On motion of Mr Smith, the Senate then adjourned.

EVENING SESSION, half- after 3 o'clock.

The Senate met pursuant to adjournment, and proceeded to the consideration of the orders of the day.

A bill to be entitled an act to establish an additional precinct in Tallapoosa county, was read the second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to explain and define the fees of county court judges, was read the second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

Joint resolution requiring all account against this State, to be submitted to and audited by the Comptroller of Public Accounts, was read a second time, and on motion of Mr Hudson, referred to the committee on accounts and claims.

Engrossed bill to be entitled an act to amend the law in relation to sales at auction in the city and county of Mobile, was read a third time, and on motion of Mr Clarke, was laid upon the table.

Engrossed bills of the following titles, to wit:

An act to compensate Jefferson Buford for sending an express with dispatches in relation to State service of General Wellborn:

An act to fix the salary of the solicitor for the tenth judicial circuit:

An act to incorporate the Warrenton male and female academy, in the county of Dallas:

An act to authorize the tax collector for the county of Monroe, to receive jury, certificates in payment of taxes due said county:

An act to incorporate Midway Academy, in the county of Macon:

An act to incorporate a female academy, in the town of Marion, Perry county:

Were severally read a third time and passed. Ordered, that their titles remain as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to authorize the Bank of the State of Alabama and the several branches thereof, to purchase property at their own sales, was read a third time, and on motion, the further consideration thereof, was postponed until to-morrow, and made the special order for that day.

Engrossed bill to be entitled an act authorizing the purchase and distribution of certain books, was read a third time. The question was then put, 'shall the bill pass;' which was decided in the affirmative. Yeas 19 — Nays 10.

Those who voted in the affirmative, are Messrs Alston, Andress, Clarke, Creagh, Dent, Hudson, Jones, King, Lea, McAllister, Phillips, Reese, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs President, Farrar, Hall, Lloyd, McVay, Oliver, Rodgers, Ross and Womack.

Ordered, that the titles remain as aforesaid, and that it be sent to the House for its concurrence.

Engrossed bill to be entitled an act to reduce the number of Trustees of the University, and to make the judge of the supreme court ex officio members of the board, was read a third time. The question was 'shall the bill pass;' and the yeas and nays were demanded. Yeas 23 — Nays 5.

Those who voted in the affirmative are Messrs Alston, Address, Clarke, Creagh, Dailey, Dent, Hudson, Jones, King, Lea, Lloyd, McAllister, Phillips, Reese, Rodgers, Smith, Terry, Thornton. Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Hall, McVay, Oliver and Ross.

The bill was passed. Ordered, that its title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act for the relief of William Taylor and Abner McGehee, was read a third time.

Mr Hall offered the following amendment: 'Provided, that the same relief contemplated by this act, shall extend to George Rives and Robert Glenn of Autauga county.'

On motion of Mr Turner, the bill and amendment were referred to a select committee. Messrs Hall, Jones and Turner, were appointed the committee.

On motion of Mr Thornton, the vote refusing to order the bill to be entitled an act to compensate Little and Hopkins, for passage and stores of sixty-four volunteer soldiers of Captain Martin and Taylor's company, from Mobile to Demopolis and Jamestown, on board the steamer, Wanderer, to a second reading, this morning, was reconsidered.

On motion of Mr Hudson, the further consideration of the bill was postponed until Monday, and made the special order for that day.

A bill to be entitled an act to alter the times of holding the circuit courts in the first judicial circuit, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize the board of directors of the branch of the Bank of the State of Alabama at Montgomery, to allow the attorney for said branch bank, just and reasonable compensation, was read a second time.

Mr Creagh moved to postpone the bill indefinitely.

Mr Phillips offered the following amendment, to come in after the word, 'compensation,' to wit: 'for closing the unfinished business of the bank, which may remain on hand, when his term of service shall have expired.'

On motion of Mr Dent, the bill together with the amendment, was referred to a select committee. Messrs Oliver, Dent, and Womack were appointed the committee.

A bill to be entitled an act better to regulate the securement and collection of debts due the Bank of the State of Alabama and the several branches, was read a second time, and on motion of Mr. Thornton, laid upon the table.

A bill to be entitled an act in relation to the commissioners court of Talladega county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act imposing certain duties on the Secretary of State, was read a second time, and on motion of Mr Dent, referred to the committee on the State Capital

A bill to be entitled an act for the improvement of the navigation of the Alabama river, was read a second time.

Mr. Hall offered an amendment, to the bill as follows, to wit: 'that the sum of ten thousand dollars be appropriate to the cleaning out of the Cahawba river, from Centreville to the town of Cahawba, in Dallas county, and that William C. Henry and Isaac Suttles, be appointed commissioners to superintend the work.' The amendment was lost.

Mr Phillips offered the following amendment: 'the sum of five thousand dollars, ' to come in the sixth section, after the word 'banks,' in the thirteenth line; which was adopted.

The question was then upon ordering the bill to be engrossed, and read a third time; which was decided in the affirmative. Yeas 18 — Nays 12.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Creagh, Dailey, Jones King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are Messrs Clarke, Dent, Farrar, Hall, Hudson, Lloyd, McAllister, McVay, Rodgers, Smith, Wilson of F. and Womack.

Mr Andress moved that the Senate adjourn; which was lost.

A bill to be entitled an act to change the county lines of Pickens and Tuscaloosa, so as to inclose Miles A. Davidson's, in the county of Tuscaloosa, was read a second time and ordered to be engrossed for a third reading.

On motion of Mr Thornton, Senate then adjourned.

SATURDAY, December 12, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate a communication from the Cashier of the branch of the Bank of the State of Alabama, at Decatur, shewing the amount paid to bank attorneys by said bank, since the 2d February, 1839; which, on motion of Mr Hudson, was referred to the committee on the State Bank.

Mr Wilson of J. moved to reconsider the vote taken upon the passage of a bill to be entitled an act authorizing the purchasing and distribution of certain books.

On motion of Mr Hudson, the motion to reconsider, was postponed until Monday next.

Mr Terry presented a communication from the Cashier of the branch bank at Huntsville, in relation to fees paid the attorney of said bank; which, on motion of Mr Lea, was laid upon the table.

Mr Rice presented the accounts of W. H. Milner, administrator of the estate of D. Ballard, former sheriff of Morgan county; and H. D. Morrow, late sheriff of said county; which were referred to the committee on accounts and claims.

Mr Wilson of F. from the committee on privileges and elections, to whom was referred a resolution instructing them to inquire into the expediency of so altering the law as to elect representatives to Congress biennially and members of the State Legislature annually, and senators to State Legislature on the first Monday in October, after the term of service for which they have been elected, expires: and also, whether it will not be best for the public weal to elect county officers, viz: sheriffs, clerks, & c. on the first Monday in each year as their term of office expires, reported that it is inexpedient to legislate on the subject : in which the Senate concurred.

Mr McVay from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Autauga county, reported a bill to be entitled, an act to authorize the judge and commissioners of roads and revenue of Autauga, to levy a tax; which was read a first time, and ordered to a second reading.

Mr Dent from the committee on the State capitol, to whom was referred a

bill entitled, an act imposing certain duties on the Secretary of State, reported the same back to the Senate unamended and recommended its passage: the bill was then placed among the orders of the day.

Mr Toulmin from the committee on military affairs, to whom was referred and engrossed bill from the House of Representatives to be entitled, an act to repeal that part of the military law which requires brigade encampment drills and for other purposes, reported that they have amended the same by an additional section.

On motion of Mr Hudson, the bill, together with the amendment, was laid upon the table.

Message from the House of Representatives by Mr Phelan:

Mr President — The House of Representatives has concurred in the amendment made by the Senate to the bills authorizing the tax collector and clerk of the county court of Tallapoosa county, to receive in payment of public dues certain certificates therein named, and the bill requiring the judge of the county court of Shelby county to reside at or within three miles of the court house.

The House of Representatives has also passed bills of the following titles:

An act more permanently to locate the seat of justice for the county of Monroe; which originated in the Senate.

A bill to establish the permanent seat of justice for the county of Russell; in which the concurrence of Senate is requested.

Engrossed bill from the House of Representatives to be entitled, an act to establish the seat of justice for the county of Russell, was read the first time, and on motion of Mr Ross, the constitutional rule was dispensed with, the bill read a second time, and on motion of Mr Ross, was amended by striking out the word 'who' inserting in lieu thereof the word 'which,' the constitutional rule was further dispensed with, and the bill read the the third time and passed. Ordered, the title remain as aforesaid.

Mr Toulmin from the committee on military affairs, to whom was referred the petition of sundry citizens of Morgan county, reported that it was inexpedient to grant the prayer of the petitioners and asked that the committee might be discharged from the further consideration thereof; in which the Senate concurred.

Mr Toulmin from the same committee, to whom was referred the petition of the officers of the thirteenth brigade, fifth division of Alabama militia, reported that it was inexpedient to legislate upon the subject, or grant the prayer of the petitioners; in which the Senate concurred.

Mr Hall from the select committee to whom was referred a bill to be entitled, an act for relief of James R. Powell, reported that they have amended the same by striking out the words 'or any other person,' and thus amended recommended its passage; in which the Senate concurred.

The question was then put 'shall the bill pass?' which was decided in the affirmative. Yeas 15 — Nays 13.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hall, Lea, McAllister, McConnell, Oliver, Reese, Smith, Terry, Thornton, Toulmin, Turner, and Womack.

Those who voted in the negative, are Messrs Alston, Andress, Dailey, Dent, Farrar, Hudson, King, Lloyd, McVay, Rice, Ross, Wilson of F. and Wilson of J.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

Mr Oliver from the select committee to whom was referred a bill entitled, an act to authorize the Board of Directors of the Branch Bank at Montgomery, to allow the attorney for said Branch Bank, just and reasonable compensation, reported a substitute for said bill, and recommended its enactment.

Mr Creagh moved to strike out the words 'extra services and.'

Mr Terry moved to lay the amendment on the table; which was carried.

Yeas 18 — Nays 11.

Those who voted in the affirmative, are Messrs President, Address, Clarke Creagh, Farrar, Hudson, Jones, Lloyd, McAllister, McVay, Rice, Rodgers, Ross, Smith, Terry, Turner, Toulmin, and Wilson of J.

Those who voted in the affirmative are Messrs President, Address, Clarke, Connell, Oliver, Phillips, Reese, Thornton, Wilson of F. and Womack.

Mr Lea from the select committee to whom was referred the resolution in regard to the claim of Mark Nicholas of Perry, and the communications of the President of the State Bank, reported a bill and recommended its passage, a bill to be entitled, an act respecting the claim of Mark Nicholas, of Perry county, against the State Bank, was read a first time.

On motion of Mr Lea, the constitutional rule was dispensed with, the bill read a second time, and ordered to be engrossed.

Mr Toulmin from the committee on military affairs, to whom was referred a resolution directing them to inquire into the expediency of abolishing the office of Adjutant and Inspector General, reported that it is inexpedient to legislate upon the subject, and ask leave to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Reese from the committee on retrenchment, to who was referred a bill to secure a homestead to every family within the State, reported the same back to the Senate without amendment. The bill was then placed among the orders of the day.

Mr Oliver introduced a bill to be entitled, an act to regulate the interest charged by the State Bank and Branches thereof, and for other purposes; which was read the first time, and on motion of Mr Oliver, the constitutional rule was dispensed with: the bill read a second time, and referred to the committee on the State Bank.

Mr Rice introduced a bill to be entitled, an act for the relief of Jethro D. Conway; which was read, and ordered to a second reading.

Mr King introduced a bill to be entitled, an act limiting the application of an act entitled, an act to abolish imprisonment for debt; which was read a first time, and on motion of Mr Hudson, the constitutional rule was dispensed with: the bill read a second time, and referred to the committee on the Judiciary.

Mr Clarke introduced a bill to be entitled, an act for the relief of Spartan Allen; which was read, and ordered to a second reading.

Mr Clarke asked and obtained leave to withdraw the papers in the case of Spartan Allen.

Mr Terry offered the following resolution:

Resolved by the Senate, That the House of Representatives be respectfully requested to return to the Senate their resolution to adjourn on the 19 th instant.

Mr Lea moved to lay the resolution on the table; which was lost. Yeas 10 — Nays 20.

Those voted in the affirmative, are Messrs Alston, Address, Creagh, Dailey, Lea, McVay, Oliver, Phillips, Ross, and Wilson of F.

Those who voted in the negative, are Messrs President, Clarke, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

The question then recurred upon the adoption. The yeas and nays were demanded. Yeas 20 — Nays 10.

Those who voted in the affirmative, are Messrs Clarke, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, Reese, Rice Rodgers, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Creagh, Dailey, Lea, McVay, Oliver, Ross, Wilson of J. and Womack.

The resolution was adopted.

Mr Hudson presented the account of A. R. Thomas, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Smith from the committee on enrolled bills, reported that they examined and found correctly enrolled, a bill to be entitled, an act more permanently to locate the seat of justice for the county of Monroe.

Mr Jones presented the petition of sundry citizens of Sumter county, which was read and referred to a select committee, consisting of Messrs Jones, Thornton, and Phillips.

Mr Lea introduced a bill to be entitled, an act to improve the navigation of the Cahawba river; which was read a first time, and the constitutional rule being dispensed with, was read a second time: the question was then on ordering the bill to be engrossed for a third reading; which prevailed. Yeas 23 — Nays 7.

Those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Dent, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Smith, Terry, Thornton, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Dailey, Farrar, Hudson, Rice, Rodgers, and Womack.

Mr Hall from the select committee, to whom was referred a bill to be entitled, an act for the relief of William Taylor and Abner McGehee, reported that they had amended the same as therein shown by way of engrossed ryder, and recommended its passage: the amendment was concurred in and the bill passed. Ordered, that the titled remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

Mr Womack introduced a bill to be entitled, an act to appoint a justice of the peace in the town of Troy, in the county of Pike; which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act to secure the fees of certain officers in the county of Mobile; which was read, and ordered to a second reading.

On motion of Mr Address, a bill to be entitled, an act for the relief of Alexander B. Puryear, of Monroe county, was taken from the orders of the day: the bill was then a third time and passed. Ordered, that the title-remain as aforesaid, and that it be sent forth with to the House of Representatives for their concurrence.

On motion of Mr Toulmin, a bill to be entitled an act to amend the law in relation to sales at auction, in the city and county of Mobile, was taken from the table.

Mr Toulmin moved to fill the blank in said bill with the word 'three,' which was lost.

Mr Phillips moved to fill the blank with 'two and a half;' which was carried.

The bill as amended, then read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill to be entitled an act to ascertain and fix permanently, the line between the counties of Madison and Jackson, was read a third time and passed. Ordered, that the title remain unchanged, and that it be sent to the House of Representatives for its concurrence.

Joint resolutions, requiring the cashier of the Bank of the State of Alabama not to pay certain drafts therein specified, was read a third time, and on motion of Mr McConnell, ordered to lie upon the table.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act for the relief of Benjamin C. Lansdale, of the county of Henry:

An act permanently to locate the seat of justice of Marshall County, and for other purposes, were each read a third time and passed. Ordered, that their titles remain unchanged, and that the House of Representatives be acquainted therewith.

Engrossed bill to be entitled an act for the benefit of sixteenth section, township two, range six west, in Limestone county, was read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to establish the general ticket system, in elections for Representatives in Congress from the State of Alabama, was read a third time, and on motion of Mr Turner, the further consideration thereof was postponed until Thursday next, and made the special order of that day.

Engrossed bill to be entitled an act for the better regulation of the State printing, and altering the mode of paying for the same, so that it may be let out to the lowest bidder, was read a third time.

Mr Lea offered the following amendment, by way of engrossed rider, to wit: 'and there shall be no alternation in the bids, or offers, after the sealed proposal are opened, and the Secretary shall act according to the directions in this act: and all printing to be done for the State after the opening of the proposals, shall be done by the said lowest responsible bidder ; which was adopted.

Mr Dent moved to postpone the further consideration of the bill until Wednesday next; which was lost.

The questions then recurred upon the passage of the bill; which was lost. Yeas 14 — Nays 16.

Those who voted in the affirmative, are Messrs Alston, Andress, Dailey, Dent, King, Lea, McConnell, McVay, Oliver, Phillips, Ross, Thornton, Wilson of f. and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh,

Farrar, Hudson, hall, Jones, Lloyd, McAllister, Rice, Smith, Terry, Toulmin, Turner, and Wilson of J.

Mr McConnell moved to adjourned; which was lost.

On motion on Mr Terry, the orders of the day were suspended.

Mr Terry introduced a bill to be entitled an act to incorporate the Sylvania male and female academy, in the county of Limestone; which was read a first time, and on motion, the constitutional rule was dispensed with, and the bill was read a second time, and on motion of Mr Terry, referred to the committee on education.

Mr Turner offered the following resolution:

Resolved, That the committee on propositions and grievances be instructed to inquire into the expediency of fining any Senator who in argument, will allude to the political party of another, which on motion Mr Terry, was laid upon the table.

On motion of Mr Phillips, the Senate then adjourned.

MONDAY, December 14, 1841

The Senate met pursuant to adjournment.

Mr Toulmin presented the petition of Gertrude Tankersly, the reading of which was dispensed with, and on motion, referred to the committee on divorce and alimony.

Mr McConnell presented the account of William Campbell, which was referred to the committee on Indian expenditures.

Mr Rice presented a communication from the cashier of the Branch Bank at Decatur, the reading of which was dispensed with, and on motion, referred to the committee on the State Bank.

Mr Hudson from the committee on Federal relations, to whom was referred the joint resolutions, authorizing and requiring the Comptroller of Public Accounts to proceed to Washington city, for the purpose of urging and collecting all claims upon the United States, growing out of the late Indian disturbances in this State, embracing claims already allowed by this State, as well as all claims now before this Legislature, and not yet allowed, with full power to receipt and adjust the same; and that the sum of one thousand dollars be allowed to said Comptroller for the above services, reported the same back to the Senate without amendment, and recommended its passage. The resolution were placed among the orders of the day.

Mr Hudson from the same committee, to whom was referred the resolutions from the State of Maine, in relation to the Northeastern boundary, reported to the Senate, joint resolution of the General Assembly of the State of Alabama, in response to certain resolution of the State of Maine, in relation to the Northeastern boundary question; which on motion of Mr Hudson, were laid upon the table.

Mr Hudson from the same committee, to whom was referred the address of the citizens of Georgetown, District of Colombia, made the following report :

Your committee have considered the resolution and orders of a meeting of the citizens of Georgetown, District of Columbia; called on the 23d July, 1840. These resolution as a retrocession of Georgetown to the State of Maryland, on the ground, that Congress has repaid their great personal and political sacrifices, in yielding their right of self government, by indignity, insults, wrongs and oppressions.

It appears to your committee, that when the act of cession of the State of

Maryland was passed, in the inhabitants of George agreed to yield their right of self government, in the hope of reaping great personal and pecuniary benefits by the change; and the expectation has been realized, by the city of Georgetown, to a degree unexampled in the annals of our country.

It appears to your committee, that since the act of cession was passed by Maryland, Congress has, for the benefit of Georgetown, confirmed the corporate charter granted that city by the State of Maryland; that she has further released the citizens of Georgetown from the payment of all taxes, excepting only such as are levied for the support of her city government, which rates are raised and fixed by the corporation itself; that Congress has been most liberal to the citizens of Georgetown, in the granting charters of all sorts, for the benefit and interest of the city; that they have incorporated within the limits of the District, the Chesapeake and Ohio canal, one termination of which is at Georgetown; and that they have subscribed over one million of dollars, for expediting and completing that work; that they have purchased an incorporated toll bridge over the Potomac above Georgetown; that they have made it, for the benefit of Georgetown, a free bridge, and given it to that city; that they have chartered literary institutions in the city of Georgetown, and have liberally endowed them, without bonus or reward, turnpike companies, banks and other institutions; and have chartered and subscribed largely, to a canal, to connect Georgetown and Alexandria; that they formerly chartered, for the inhabitants of Georgetown, without bonus or reward, a large bank, with great powers; that they also became stockholders and depositories in it: and by the mismanagement of the directors, it became insolvent, and the General Government lost thereby, about half a million of dollars; that Congress has assumed a large corporation debt of Georgetown, amounting to one quarter of a million of dollars, thereby relieving her citizens from ruinous liabilities, brought on by her own mismanagement and folly, and justly enhancing the value of property in that city; that the Bank, about refusal to re-charter which, the committee of the citizens of Georgetown now complain, has been continued in existence, and prolonged from season to season, by the kindness of congress, for near a dozen of years, since its first limitations expired; that it has never paid any equivalent to Congress, for the extraordinary powers with which it was endowed; that it has of late, twice suspended specie payments, though declaring its ability to have gone on, if it has chosen to do so. The last time it suspended, was after its charter had been prolonged by Congress, on the condition of its resuming. It did resume, and immediately after again suspended.

It appears to your committee, this meeting was called by twenty-two citizens of Georgetown, all of whom, as far as they can learn, are opposed in politics to the present administration, and for purposes evidently political and factious; that the indignity, insults, wrongs and oppressions of which they complain, are comprised in the refusal of Congress, further to prolong the existence of the rotten, dishonest and corrupt institution, last above alluded to than give it time to wind up its affairs.

Your committee will further report, that it does not appear that this meeting expresses the opinions of either a majority of the citizens of Georgetown, or of the free white male inhabitants over the age of twenty-one years, living in that city.

Your committee are unable to see wherein the late Congress have want only and wickedly, as charged in the resolutions purporting to have been adopted by the citizens of Georgetown, District of Columbia, or done any act calcula-

ted to oppress them, unless it be in their refusal to grant and perpetuate to the citizens of that city, exclusive and extraordinary privileges, such as the citizens of no other State or Territory have had the hardihood to ask; much less, to demand as a right.

Your committee, however, cannot see any objections that the State of Alabama can interpose to the desired retrocession of the citizens of Georgetown to the State of Maryland, provided said citizens refund to the General Government the amount of money which they have heretofore received, in consideration of the great and extraordinary personal and political sacrifices to which they allude in the first resolution, therefore, your committee recommend the adoption of the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to favor the retrocession of so much of the District of Columbia, as embraces the city of Georgetown in said District, upon the payment of such sum or sums of money as they may have received from time to time, from the Congress, in consideration of their voluntary surrender of all representation, save that of the Congress of the United States, and that the Governor of this State be requested to forward a copy of this report and resolution, to each of our Senators and Representatives in Congress, and one to the chairman of the said Georgetown meeting.

Mr Alston moved to lay the report and resolution on the table; which was lost. Yeas 11 — Nays 18.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Dent, King, Lea, Oliver, Phillips, Ross, Thornton and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Alston moved to postpone the report and resolution until Monday next; which was lost.

Mr King moved to amend the resolution by striking out the following words, to wit: 'upon the payment of such sum or sums of money as they may have received from time to time, from Congress;' which was lost. Yeas 11 — Nays 19.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, Dent, King, Lea, Oliver, Phillips, Ross, Thornton and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Jones moved to postpone until Friday next; which was lost.

The question then recurred upon concurring in the report made by the committee; which prevailed. Yeas 18 — Nays 12.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Dailey, Dent, Jones, King, Lea, Oliver, Phillips, Ross, Thornton, and Womack.

Message from the House of Representatives, by Mr Phelan:

Mr President — The House of Representatives has passed a bill to be entitled an act for the relief of Alexander B. Puryear; which originated in the Senate;

and has concurred in the amendments made to the bill to establish a permanent seat of justice for the county of Russell. I am also directed by the House of Representatives to return to the Senate the resolution which originated in the Senate to adjourn on the 19th instant.

On motion of Mr Hudson, the message was laid upon the table.

Mr Hudson, from the committee on federal relations, to whom was referred the preamble and resolutions of the State of Connecticut, reported a preamble and joint resolutions of the following title, to Wit: Preamble and joint resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the State of Connecticut, in favor of the protective policy.

Mr Lea moved to amend the resolutions by inserting the word 'unanimously' after the word 'resolved;' which was adopted.

The report of the committee was then concurred in, and the resolutions unanimously adopted.

Mr Thornton, from the same committee, to which was referred certain resolutions from the Legislature of the State of Kentucky, reported to the Senate a preamble and joint resolutions, of the following titles, to wit: Preamble and joint resolutions of the Senate of House of Representatives of the State of Alabama in answer to the resolutions of the State of Kentucky, in relation to the distribution of the proceeds of the public lands, among the several States.

On motion of Mr Alston, the report together with the preamble and resolutions, was postponed until Friday next, and made the special order for that day.

Mr Terry, from the committee on the State Bank, to which was referred joint resolutions authorizing the branch at Decatur, to compromise with the securities of George Swink & Co. reported that the further consideration of the resolutions has been superseded by a bill now in progress; which on motion, was laid on the table.

Mr Terry, from the same committee, to whom was referred a bill to be entitled an act for the relief of the Florence Bridge company, reported the bill back to the Senate and recommended its passage; which was placed among the orders of the day.

Mr Creagh, from the committee on State printing, to which was referred the account of Messrs Hale & Eaton, for printing done up to the seventeenth of October, 1840, reported that they had compared the account with the vouchers filed in the office of the Comptroller, and find them correctly stated; which was laid upon the table.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act for the relief of Alexander B. Puryear, of Monroe county.

Mr Toulmin, from the committee on military affairs, to whom was referred a resolution instructing them to inquire into the expediency of repealing the fifth section of the ninth chapter of the military code, reported that the subject referred to by the resolution is embraced in a bill now before the Senate, and asked leave to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Toulmin, from the same committee, to whom was referred a resolution directing them to inquire into the expediency of abolishing brigade encampment drills, so far as relates to the third brigade, seventh division of Alabama militia, reported that the subject referred to in the resolution, is embraced in

a bill now before the Senate; and asked leave to be discharged from the further consideration of the subject; which was granted.

Mr Toulmin, from the same committee, to which was referred a bill to be entitled an act to abolish brigade encampments, so far as relates to the third brigade, seventh division of Alabama militia, reported the same back to the Senate, and asked to be discharged therefrom, as the provision of the bill are embraced in a general bill before the Senate; in which the Senate concurred.

Mr Creagh, from the select committee, to whom was referred a bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, approved, January 26, 1839, reported the same back to the Senate amended as therein shew, and thus amended recommended its passage.

Mr Lea moved to amend the amendment of the committee by inserting 'the third Mondays in March and September in each year, and continue in session one week,' to come in after the word Marion, in Perry county; which was adopted.

Mr Alston moved the following amendment: strike out "Eutaw in the county of Greene," in the sixth district, fourth section of the bill, middle division,' and insert, "Demopolis, in the county of Marengo," in lieu thereof: which was lost.

Mr Hall moved further to amend, by inserting the words following, to wit: in the second district, in the middle division, strike out, 'the second Mondays in March and September,' and insert 'fourth Mondays in February and August;' which was adopted.

On motion of Mr Phillips, the words 'May and November,' were stricken out from the fourth section, and 'April and October' inserted in lieu thereof.

Mr Dailey moved further to amend with the following, in the third section after the word 'Russell,' in the fifteenth line, insert 'Tallapoosa,' and omit 'Tallapoosa' in the second district, and put the word 'and' between Autauga and Coosa; which was lost.

Mr Dailey moved further to amend by striking out 'Lafayette in Chambers county' and insert 'Tuskegee in Macon county;' which was also lost.

The question then recurred upon the adoption of the amendments, as reported by the committee; which was carried. Yeas 24--Nays 6.

Those who voted in the affirmative are Messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Rodgers, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative are Messrs Dailey, Oliver, Rice, Ross, Smith, and Wilson of J.

The question was then taken on ordering the bill as amended, to be engrossed for a third reading; which was decided in the affirmative. Yeas 18--Nays 11.

Those who voted in the affirmative are Messrs President, Clarke, Creagh, Dent, Hudson, Hall, Jones, King Lea, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, and Wilson of F.

Those who voted in the negative are Messrs Alston, Dailey, Farrar, McAllister, McVay, Rice, Ross, Smith, Terry, Wilson of J. and Womack.

The bill was ordered to be engrossed.

Mr King from the select committee, to whom was referred the preamble and resolutions on the right on instructions in the constituency and the duty of the

representatives to obey and reflect the will of his constituents, reported the same back to the Senate.

The resolutions were placed among the orders of the day.

Mr Reese from the committee on retrenchment to whom was referred a resolution inquiring into the expediency of repealing the law establishing boards of physicians, reported that in the opinion of the committee it is wholly inexpedient; in which the Senate concurred.

Mr Jones from the select committee, to whom was referred the petition of sundry persons of township twenty-two, range three, west, in the county of Sumter, reported a bill to be entitled an act to authorize the recinding a certain contract therein named; which was read a first time: the constitutional rule being dispensed with the bill was read a second time, and ordered to be engrossed for a third reading.

Mr Lea from the committee on the judiciary, to whom was referred a bill to be entitled, an act to regulate damages in the supreme, circuit and county courts, reported the same with sundry amendments and recommended its passage first amendment complete the enacting clause 'by the Senate and House of Representatives in General Assembly convened,; second amendment, strike out the word 'five' and insert 'ten' in the seventh line first section. A division of the question was called for; which was first taken upon the adoption of the first amendment proposed; which prevailed: next upon the adoption of the second amendment, which was lost. Yeas and nays called for by Mr Rodgers. Yeas 11–Nays 17.

Those who voted in the affirmative are Messrs Alston, Clarke, Dent, Farrar, Hudson, Jones, Lea, McAllister, Phillips, Thornton, and Turner.

Those who voted in the negative are Messrs President, Address, Creagh, Dailey, Hall, King, McConnell, McVay, Oliver, Price, Rodgers, Ross, Terry, Toulmin, Wilson of F. Wilson of J. and Womack.

The bill was then ordered to be engrossed for a third reading.

Mr Thornton from the judiciary committee, to which was referred a bill to be entitled, an act regulating the fees of bank attorneys, on collections from purchasers of sixteenth sections, reported the same back to the Senate without amendment, and recommended its passage: the bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act regulating the sales of constables, reported the same back to the Senate without amendment, and that it is not expedient to pass the same: the bill was put among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to authorize a stay of execution in certain cases, reported the same to the Senate without amendment, and that it is inexpedient to pass the same: the bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to amend the law in relation to judicial proceedings, reported a substitute therefor; which was adopted, and read a second time, and ordered to be engrossed for a third reading.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law prohibiting under severe penalties the farther introduction of slaves into this State, reported that it is inexpedient to pass such a law: the quantity of fertile lands in out State, now unproductive for want of labor to reduce them to cultivation, the

great value of slave property to our citizens whose interest, whose desire, and whose clear right it is, as well to acquire by purchase, as to hold such property: induce your committee to recommend that we abstain from any interference with this long established course of trade between the slave holding States; and that as to any danger from that specie of property, perhaps not the least effectual way to produce it, is an indiscreet and public avowal of its apprehension.

In which the Senate concurred.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of repealing the law now in force authorizing the appointment of public weighers in this State, reported that it is inexpedient to repeal the same.

On motion of Mr McConnell it was ordered to lay upon the table.

Mr Thornton from the same committee to which was referred a resolution instructing them to inquire into the expediency of changing the law in relation to the election of harbor master and port wardens for the port and harbor of Mobile, reported that it is inexpedient to alter the present law on the subject. The mayor and alderman of the city, have now the appointment of those officers and perhaps the interest of all concerned in the faithful and impartial discharge of their duties, may as well be served by that mode of appointment, as by any other which has suggested itself.

On motion of Mr Thornton it was ordered to lay upon the table.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of so amending the law as that plaintiffs in actions for damages to be compelled to give security for costs of suits, &c. reported that it is inexpedient to amend the law in the particular referred to.

On motion of Mr Turner the report was ordered to lay upon the table.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to amend the laws in regard to limitations of actions, reported the same back to the Senate, with the following amendment, viz: that the words 'and be prosecuted to a decree,' be stricken out at the end of the first section, with which amendments they recommended the passage of the bill: the amendment was adopted, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act concerning deeds, reported the same back to the Senate, with the expression of their opinion that it is not expedient to enact the same as long as there is any difference in the obligation of contracts depending upon there being deeds or simple contracts, not under seal, it is not competent by retrospective legislation to alter their nature; all contracts now in existence, must be construed by the existing laws.

The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to repeal so much of the venue law on this State, as relates to criminal cases, reported the bill back to the Senate with the expression of their opinion, that it is inexpedient to pass the same: to deny a change of venue in any case whatever might have the effect in some cases, of sacrificing an innocent person, to even the honest prejudices of a community, in others to the malice and overpowering influence of a prosecutor, whose means and extensive

connections could not be withstood by an humble citizen. The interests of the State are now so guarded that the acquittal of guilty persons can, in hardly any case, be attributable to change of venue; it can only be done on good and sufficient cause, supported by affidavit, only once in the same cause, and then to none but an adjoining county, to that in which the offence is supposed to be perpetrated.

The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act in relation to the sixteenth section in township ten, of range five, in the county of Wilcox, reported the same to the Senate and recommended its passage. The bill was put among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to explain an act, entitled an act to appoint administrators in certain cases, reported the same back to the Senate. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to amend an act to incorporate the Fireman's Insurance Company of Mobile, reported the same back to the Senate with the following amendment, by way of proviso, at the end of the third and last section in the bill, viz:

'Provided, That this act be of no force and effect until the stockholders shall give their consent to the alternations proposed in their charter by this act,'

The amendment was adopted, and the bill read a second time, and ordered to a third reading.

Mr Terry from the State Bank committee, to which was referred a bill to be entitled, an act to create a sinking fund for the redemption of the five per cent. bonds issued by the State of Alabama, reported that they have amended the same by adding to the end of the fifth section, the words 'within the first week of the session;' also, an additional section and proviso—and thus amended, recommended its passage. The amendments of the committee were adopted, and the bill ordered to be engrossed for a third reading.

Mr President laid before the Senate the following communication:

UNIVERSITY OF ALABAMA, }

December 14, 1840.

President and Senate of the State of Alabama:

GENTLEMEN:—It is my duty to communicate to you the fact that, the tenth annual commencement of the University of the State, will be celebrated in the Rotunda on Wednesday, December sixteenth, the exercises to begin at ten o'clock, A M.

In the name of the authorities of the University, I hereby respectfully invite your attendance of the commencement, as a body.

Respectfully, &c.

B. MANLY,

President U. of Alabama.

The communication was laid upon the table.

On motion of Mr Terry,

Resolved by the Senate, That the members of the same, in a body, will attend the annual commencement of the University of this State on Wednesday next, the sixteenth instant, unless some providential, or other good cause, should intervene.

On motion of Mr McConnell,

Resolved, That the State Baak committee be instructed to enquire into the expediency of winding up the Branch of the Bank of the State of Alabama at Mobile, with leave to report a bill covering the premises, if deemed expedient.

Mr Dailey introduced a bill to be entitled an act to change the time of holding the county court of the county of Tallapoosa, which was read and ordered to a second reading.

Mr Terry introduced a bill to be entitled an act to amend an act to raise a school fund to aid the valueless sixteenth sections in this State, which was read the first time, the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, the bill was read a second time forthwith. On motion of Mr Terry, the bill was the referred to the committee on education.

Mr Rice introduced a bill to be entitled an act to levy a special tax for the county of Morgan, which was read the first time, the constitutional rule being dispensed with, the bill was read a second time and ordered to be engrossed for a third reading.

Mr Creagh introduced a bill to be entitled an act to establish a private way for H. J. Moss, to the landing on the Tombeckbee river, in the county of Washington, which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act for the benefit of Henri Hottenger, which was read and ordered to a second reading.

On motion of Mr Rice,

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of passing a law to authorize the President and Directors of the Branch of the Bank of the State of Alabama at Decatur, to burn two hundred thousand dollars of post notes, which have been redeemed and cancelled in the City of New York, and duly registered by said branch bank; and that they have leave to report by bill or otherwise.

Mr Cottrell introduced a bill to be entitled an act concerning the duties of the Presidents and Directors of the State Bank and Branches, which was read a first time, the constitutional rule being dispensed with, the bill was read a second time, and referred to the committee on the State bank.

Mr Clarke moved that the when the Senate adjourn, it will adjourn to half past three o'clock this evening, which was carried.

On motion of Mr McConnell, the Senate then adjourned.

EVENING SESSION, half past 3 o'clock.

The Senate met pursuant to adjournment.

Engrossed bill to be entitled an act to authorize the Bank of the State of Alabama and the several branches thereof, to purchase property at their own sales, being the special order of the day, was read a third time.

Mr Phillips moved an amendment by way of engrossed ryder: "provided that any time within twelve months after such sale and purchase by the bank of any such real estate, sold under any such debt due said bank or branch, the defendant in all such cases shall be privileges to come forward upon payment of principal, interest and all costs, the said bank or banks shall relinquish all claim to said real estate so sold and purchased;" and "provided further, that no real or personal estate which may be purchased by said bank or any of its branches, according to the provisions of this act, shall be held by them or either of them, for a longer period than two years from the date of the purchase."

Mr Phillips accepted the following to come in at the end of the first proviso, "unless the bank or branch banks shall have disposed of the property before the defendant shall make application to redeem."

Mr Hudson called for a division of the question.

Mr Creagh offered an amendment to the first proviso: "Provided, further, that the bank after receiving principal, interest and costs, shall return any money that may be over the amount necessary to discharge the same; which was adopted.

On the adoption of the second proviso, the yeas and nays were demanded. Yeas 12—Nays 17.

Those who voted in the affirmative, are Messrs Alston, Andress, Jones, King, Oliver, Phillips, Reese, Rodgers, Ross, Smith, Thornton, and Turner.

Those who voted in the negative are Messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Hudson, Lea, Lloyd, McAllister, McConnell, McVay, Rice, Toulmin, Wilson of F. and Womack.

The amendment was lost.

Mr Rice offered an amendment to the bill, to wit: "Provided also, that all persons whose lands are sold by virtue of any execution, shall have a right to redeem such lands within two years from the date of sale upon the payment of the debt, cots and interest;" which was lost.

Mr Turner offered the following amendment to come in at the end of the bill, viz: "All personal property purchased under the provision of this act, shall be disposed of within sixty days after purchase of the same, for cash, or upon such time as may be thought best by the President and Directors of such bank as shall be the owners of such property;" which was lost.

The question was, 'Shall the bill pass?'

The yeas and nays were demanded. Yeas 24—Nays 6.

Those who voted in the affirmative are Messrs President, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lea, McConnell, McVay, Oliver, Phillips, Rodgers, Ross, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are Messrs Alston, Dailey, Hall, Lloyd, Rice and Smith.

The bill passed. Ordered that its titled remain unchanged.

Ordered, that it be sent to the House of Representatives for their concurrence.

The vote passing a bill to be entitled an act authorizing the purchase and distribution of certain books was reconsidered. The motion to reconsider having been postponed till to day, Mr Hall offered an amendment, to wit: 'Provided, that the books contemplated to be purchased under the bill, shall not exceed three dollars per volume.

On motion of Mr Hudson, the bill and amendment was referred to a select committee. Messrs Hudson, Thornton and Alston, were appointed said committee.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has passed a bill to change the times of holding the circuit courts of the second judicial circuit, amended as therein shewn.

On motion of Mr Phillips the amendments were concurred in.

Mr Smith from the committee on enrolled bills, reported that they had ex-

amined and found correctly enrolled, bills of the following titles, to wit:

An act to establish the permanent seat of justice for the county of Russell:
An act making appropriations for the payment of certain claims against the State.

A bill which had been postponed until the day, entitled an act to compensate Little & Hopkins for passage and stores of sixty-four volunteer soldiers of Captain Martin and Taylor's companies, from Mobile to Demopolis and Jamestown, on the steam boat Wanderer, was read a second time.

Mr Hall offered an amendment, to wit: 'Provided, that the claim of Thomas T. Gamage be allowed for nine hundred and thirty dollars;' on the adoption of which the yeas and nays were demanded. Yeas 14—Nays 16.

Those who voted in the affirmative, are Messrs President, Address, Creagh, Hall, Hudson, Jones, King, Lea, Phillips, Rodgers, Ross, Smith, Turner and Womack.

Those who voted in the negative are Messrs Alston, Clarke, Dailey, Dent, Farrar, Lloyd, McAllister, McConnell, McVay, Oliver, Reese, Rice, Terry, Thornton, Toulmin, and Wilson of F.

The amendment was lost.

The question was then upon ordering the bill to be engrossed and read a third time. Yeas 17—Nays 12.

Those who voted in the affirmative are Messrs Address, Clarke, Creagh, Dailey, Dent, Hudson, King, Lea, McAllister, McConnell, McVay, Oliver, Terry, Thornton, Toulmin, Wilson of F. and Womack.

Those who voted in the negative are Messrs President, Farrar, Hall, Jones, Lloyd, Phillips, Reese, Rice, Rodgers, Ross, Smith, and Turner.

The bill was ordered to be engrossed,

On motion of Mr McConnell the Senate adjourned.

TUESDAY, December 15, 1840.

The Senate met pursuant to adjournment.

Message from his Excellency, the Governor, by his private secretary:

EXECUTIVE DEPARTMENT, }

Tuscaloosa, December 15, 1840.

Sir—I have the honor to inform the Senate that a vacancy has occurred in the office of judge of the county court of Tallapoosa county, by the resignation of the honorable Irwin Lawson; late judge of the county court.

A. P. BAGBY.

Hon. J. L. F. COTTRELL, President of the Senate.

Mr President laid before the Senate a communication from the cashier of the branch bank at Decatur, the reading of which was dispensed with, and on motion of Mr Hudson, referred to the committee on accounts and claims.

Mr Reese presented the account of P. T. Richardson, which was referred to the committee on accounts and claims.

Mr Smith, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

A bill to be entitled an act to authorize the tax collector of the counties of Marshall, Chambers and Talladega, to receive jury certificates in payment of taxes due said counties:

A bill to be entitled an act to attach a part of Morgan to the county of Marshall:

A bill to be entitled an act to compel county treasurers to make a full and explicit exhibit of the finances of their respective counties, in each and every year:

Also, a joint resolution in relation to the supreme court decisions.

Mr Hudson, from the committee on accounts and claims, to whom was referred a joint resolution compelling all accounts against the State to be submitted directed to the comptroller of public accounts, for the purpose of auditing the same, reported the same as inexpedient, and ought not to pass, inasmuch as the law amply provides for such things now. The committee asked to be discharged from the further consideration of the subject; which the Senate concurred.

Mr Hudson, from the same committee, to whom was referred the claim of David I. Hutto, former sheriff of Henry county, reported that it is in the opinion of the committee the account was not chargeable to the State; and thereupon asked leave to be discharged from its further consideration; in which the Senate concurred.

Mr McAllister asked and obtained leave to withdraw the account of David L. Hutto.

Mr Hudson from the same committee, to whom was referred the petition of James Thompson of Chambers county, for services rendered said county, in organizing the same, reported that in the opinion of the committee, it ought not be allowed; therefore asked to be discharged; in which the Senate concurred.

Mr Hudson, from the same committee, to whom was referred a bill from the House of Representatives, to be entitled an act making appropriations for certain claims against the State, reported the same back to the Senate with the following amendment, to wit: strike out after the word 'district,' in the seventeenth line. The amendment was concurred in by the Senate, the constitutional rule dispensed with, the bill read a third time and passed. Ordered, that the title remain unchanged, and that it be sent to the House for its concurrence.

Message from the House of Representatives, by mr Phelan:

Mr President— I am instructed by the House of Representatives to inform the Senate that Robert A. Baker, Esq, has been elected Speaker of the House of Representatives, to fill the vacancy occasioned by the resignation of the Hon. Samuel Walker.

Message from the House of Representatives, by Mr Phelan:

Mr President— The House of Representatives has passed bill of the following titles, which originated in the Senate:

An act for the relief of -----Powell, as therein shewn:

An act to alter and amend the law respecting dower, amended as therein shewn:

The House has also passed bills of the following titles, which originated in the House:

An act to incorporate the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal church, in the county of Dallas:

An act to declare the west prong of the Choctawatchie creek a public highway:

An act to provide for the election of sheriffs in certain cases, amended:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties.

An act in relation to bonds given by the officers of the Bank of the State of Alabama and its several branches:

An act to regulate the proceedings in the courts of chancery in this State:

An act to repeal in part an act, approved, December 23, 1837, entitled an act better to regulate the taxing of pedlers and shows:

In which the concurrence of the Senate is requested.

The question was then taken upon concurring in the amendment by the House to the bill to be entitled an act to alter an amend the law in relation to dower, which was to strike out 'three' and insert 'twelve months' in the line next to the last in said bill; which was adopted. Yeas 17--Nays 14.

Those who voted in the affirmative are Messrs Address, Farrar, Hall, Jones, Lloyd, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative are Messrs President, Alston, Clarke, Creagh, Dailey, Dent, Hudson, Lea, McAllister, Oliver, Phillips, Wilson of F. and Womack.

The question was then taken upon the adoption of the amendment made by the House to the bill to be entitled an act for the relief of ----Powell, which was to fill the blank in said bill with the word 'Mary;' which was adopted. Ordered, that the House be made acquainted therewith.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties:

An act to declare the west prong of Choctawhatchie river a public highway:

An act to regulate the practice in the courts of chancery in this State:

An act to incorporate the Centenary Institution of the Alabama Annual Conference of the Methodist Episcopal church, in the county of Dallas:

An act to provide for the election of sheriff in certain cases:

Were severally read and ordered to a second reading.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part an act, approved, December 23, 1837, entitled an act better to regulate the taxing of pedlers and shows, was read a first time and the constitutional rule being dispensed with, was read a second time forthwith, and on motion of Mr Hudson, referred to the committee on propositions and grievances.

Engrossed bill from the House of Representatives to be entitled an act in relation to bonds given by the officers of the Bank of the State of Alabama and its several branches, was read a first time, and on motion of Mr Phillips, the constitutional rule was dispensed with, and the bill read a second time forthwith, and on motion, referred to the committee on the State Bank.

Mr Toulmin, from the committee on military affairs, to whom was referred the return of the adjutant and inspector general, reported the same back to the Senate ; which, on motion of Mr Toulmin, was ordered to lay upon the table.

Mr Toulmin, from the same committee, to whom was referred the communication of J. C. Vandyke, Esq. Comptroller of Public Accounts which was called for a resolution of the Senate, reported the same back to the Senate; which, on motion, was ordered to lay upon the table.

Mr Toulmin, from the same committee, to whom was referred so much of the Governor's message as relates to military affairs, reported the same back to the Senate, as unnecessary to be legislated upon, since the subject referred to has already received the action of the Senate, and asked to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Terry presented the petition of the commissioners court of roads and revenue of Limestone county, the reading of which was dispensed with, and on motion, referred to the committee on the judiciary.

On motion of Mr Jones, a bill to be entitled an act supplementary to the attachment law of the State, to authorize attachments to issue on mortgages, deeds in trust, &c. in certain cases.

On motion of Mr Hudson, a bill to be entitled an act to repeal that part of the military law, which requires brigade encampment drills and for other purposes, was ordered to be taken from the table and placed among the orders of the day.

On motion of Mr Dent, a resolution proposing to go into the election of a State printer was taken from the table.

On motion of Mr Rodgers, the resolution was amended by inserting Thursday the 17th inst. The resolution as amended, was then adopted.

A message from his Excellency the Governor, by his private secretary:

EXECUTIVE DEPARTMENT, }

Tuscaloosa, December 15, 1840.

SIR— In obedience to a resolution of the Board of Trustees, unanimously adopted, I have the honor to invite you, and the members of the body over which you preside, to attend the commencement exercise of the University of Alabama, to-morrow at 11 o'clock, A. M.

A. P. BAGBY, President of the Board of Trustees.

To the Hon. J. L. F. COTTRELL, President of the Senate.

On motion of Mr Lea, the message was laid upon the table.

The Senate then proceeded to the consideration of the orders of the day.

The question before the Senate, was upon the adoption of the amendment heretofore offered by Mr Phillips to the bill to be entitled an act to authorize Henry Hunter of Dallas county to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington, in said county, and for other purposes. The amendment was adopted, and the bill read the second time, the constitutional rule dispensed with, read a third time, and passed. Ordered, that the titled remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to authorize the directors of the Florence bridge company to establish rules, was read a third time.

Mr Hudson moved to fill the blank in said bill, with 'twenty-five,' which was lost.

Mr McVay moved to fill it with 'twenty,' which was lost.

Mr Hudson moved to fill it with 'ten,' which was carried.

The question was then put 'shall the bill pass?' which was carried. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to establish and abolish certain election precincts, was read a third time and passed. Ordered, that the titled remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act in relation to descents, and for other purposes, was read a third time, and on motion of Mr Toulmin, postponed until Thursday next, and made the special order for that day.

Engrossed bill to be entitled an act to alter the times of holding the circuit courts in the first judicial was read a third time and passed. Ordered,

that the title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled, an act to remove the Branch of the Bank of the State of Alabama, at Decatur, from its present location, was read a third time.

Mr Phillips moved to amend by an additional section, which was carried.

Mr Terry moved to postpone the bill indefinitely; which was lost. Yeas 12–Nays 19.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hudson, Lloyd, McVay, Rice, Rodgers, Terry, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Andress, Dailey, Dent, Farrar, Hall, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton, Toulmin, and Womack.

Mr Wilson of J. moved a reconsideration of the vote taken upon the adoption of Mr Phillips' amendment; which was refused.

Mr Hudson moved to postpone the further consideration of the bill until half after three o'clock this evening; which was lost.

On motion of Mr Lea, the Senate then adjourned until half past three o'clock this evening.

AFTERNOON SESSION, half past three o'clock.

The Senate met pursuant to adjournment.

The bill to be entitled an act to remove the Branch of the Bank of the State of Alabama, at Decatur, from its present location, being under consideration.

Mr Wilson of J. moved to postpone the bill until the thirtieth of this instant, and the yeas and nays were demanded. Yeas 14–Nays 18.

YEAS– Messrs President, Clarke, Creagh, Farrar, Hudson, Lloyd, McVay, Rice, Rodgers, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

NAYS– Messrs Alston, Andress, Buford, Dailey, Dent, Hall, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Smith, Thornton, and Womack.

The Senate refused to postpone the bill.

Mr McConnell moved the reference of the bill to a select committee, upon which the yeas and nays were demanded. Yeas 8–Nays 24.

Those who voted in the affirmative, are Messrs Clarke, Creagh, Dent, Hall, Lloyd, McConnell, Smith, and Terry.

Those who voted in the negative are Messrs President, Alston, Andress, Buford, Dailey, Farrar, Hudson, Jones, King, Lea, McAllister, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr Hudson moved to fill the blank with Tuscumbia.

Mr Phillips called for the previous question; which was lost. Yeas 15–Nays 17.

Those who voted in the affirmative are Messrs Alston, Andress, Buford, Dailey, Dent, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, and Womack.

Those who voted in the negative are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lea, Lloyd, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The question then recurred upon the motion of Mr Hudson to fill the blank with Tuscumbia; which was lost. Yeas 3–Nays 29.

Those who voted in the affirmative, are Messrs Hudson, Rodgers and Wilson of F.

Those who voted in the negative, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Mr McVay moved to fill the blank with Florence, in Lauderdale county; which was lost.

Mr Cottrell moved to fill the blank with Wetumpka; which was lost. Yeas 6—Nays 26.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hall, Reese, and Smith.

Those who voted in the negative are Messrs Alston, Address, Buford, Dailey, Dent, Farrar, Hudson, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr Lea moved to refer the bill to a select committee, consisting of the Senators from the counties of Autauga, Sumter, Talladega, and Barbour, with instructions to report a substitute withdrawing one half of the capital stock of the Branch Bank, at Decatur, and establishing a branch or office of discount and deposit at some point in South Alabama, leaving the point of location blank, until reported to the Senate.

Mr Hudson called for a division of the question; which was first taken upon refusing; which was carried.

The question was next taken upon the adoption of the instructions; which was carried.

Mr Cottrell moved to suspend the orders of the day; which was carried.

On motion of Mr Hudson, the Senate then adjourned until Thursday morning ten o'clock.

THURSDAY, December 17, 1840.

The Senate met pursuant to adjournment.

Mr Phillips presented the petition of T. B. Goldsby and others, the reading of which was dispensed with, and on motion of referred to the committee on the judiciary.

Mr Terry presented a communication from the Cashier of the Branch Bank at Mobile, in relation to the fees and salaries paid by the bank of their respective attorneys since the second of February, 1839: which was read, and on motion of Mr Hudson, was referred to the committee on the State Bank.

The Senate then proceeded to the considerations of the orders of the day.

Engrossed bill to be entitled an act to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, was read a third time.

Mr Hall moved the following amendment, by way of engrossed rider, to come in at the end of the first section, to wit:

Provided, That the State shall be divided into Congressional districts after of Congress may be elected from each district, by the qualified electors throughout the State as herein directed.

On motion of Mr Terry, the amendment was amended by striking therefrom the word 'Congressional.'

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Mr Buford moved to amend the amendment with the following, to wit: 'by a majority of the votes in such district;' which was lost. Yeas 8--Nays 20.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Lea, Phillips, Ross, Thornton, and Womack.

Those who voted in the negative are Messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McVay, Reese, Rodgers, Smith, Terry, Toulmin, Wilson of F. and Wilson of J.

The question recurred upon the adoption of the amendment offered by Mr Hall; which was carried.

Mr Wilson of J. moved to postpone the further consideration of the bill until to-morrow eleven o'clock and made the special order for that day; which was carried. Yeas 27--Nays 3.

Those who voted in the affirmative are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Dailey, Ross and Womack.

On motion of Mr Phillips the orders of the day were suspended.

On motion of Mr Phillips,

Resolved, That the committee on the judiciary inquire into the expediency of providing by law, that appeals and writs of error from the county to the circuit courts, may be tried in the same manner as appealing from judgments of justices of the peace.

Mr Buford moved further to suspend; which was lost.

Engrossed bills of the following titles, to wit:

An act to be entitled, an act in relation to descents and for other purposes:

An act to establish an additional precinct in Tallapoosa county:

An act to reduce the number of Trustees of the University and make the judges of the Supreme Court ex officio members of the board:

An act concerning a certain turnpike road therein named:

An act in relation to the commissioners' court of Talladega county:

Were severally read a third time and passed. Ordered, that their titles remain as aforesaid, and that they be sent to House of Representatives for their concurrence.

Engrossed bill to be entitled an act for the improvement of the navigation of the Alabama river, was read a third time, and the question was then put 'shall the bill pass? which was decided in the affirmative. Yeas 20--Nays 8.

Those who voted in the affirmative are Messrs President, Alston, Address, Clarke, Creagh, Dailey, Dent, Jones, King, Lea, McAllister, McConnell, McVay, Phillips, Reese, Ross, Terry, Thornton, Toulmin, Turner, and Wilson of Jackson.

Those who voted in the negative, are Messrs, Farrar, Hudson, Hall, Lloyd, Rodgers, Smith, Wilson of F and Womack.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives.

A bill to be entitled an act explanatory of an act, entitled an act for the extension of debts due the Bank of the State of Alabama and its several branches, the issuance of post notes, and for other purposes, approved February third 1840, was read a second time, and ordered to be engrossed for a third reading.

Message from the House of Representatives, by Mr Phelan.

Mr President—The House of Representatives has passed bills of the following titles, to wit:

An act to attach a part of the county of Butler, to the county of Conecuh:

An act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county:

An act to incorporate the town of Jasper in the county of Walker:

An act to abolish and establish precincts therein named:

An act to extend the time for collecting of the county school and road tax in the county of Mobile, for the year of 1840:

An act to change the name of William Tell Dean, and for other purposes.

In which the concurrence of the Senate of requested.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, was read a first time.

Mr Hudson moved to dispense with the constitutional rule requiring bills to be read on three several days, with a view of giving the bill a second reading forthwith; which was lost. The bill was then ordered to a second reading.

Engrossed bills of the following titles, from the House of Representatives to wit:

An act to attach a part of the county of Butler to the county of Conecuh:

An act to incorporate the town of Jasper, in the county of Walker:

An act to abolish and establish certain election precincts therein named:

An act to extend the time of collecting schools and road tax in the county of Mobile, for the year of 1840:

An act to change the name of William tell Dean, and for other purposes:

Were severally read and ordered to a second reading.

Engrossed bill to be entitled, an act to change the county lines of Pickens and Tuscaloosa, so as to include Miles A. Davidson in the county of Tuscaloosa, was read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act imposing certain duties on the Secretary of State, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to secure a homestead to every family within this State, was read a second time.

Mr Wilson of F. offered an amendment by way of additional section; which was adopted.

Mr Terry moved to dispensed with the constitutional rule with a view of giving the bill a third reading forthwith; which prevailed. The bill was then read a third time and passed by yeas and nays. Yeas 16—Nays 13.

Those who voted in the affirmative are Messrs Creagh, Hudson, Hall, Jones, Lea, McAllister, McConnell, McVay, Phillips, Rodgers, Ross, Terry, Toulmin, Wilson of F. and Womack.

Those who voted in the negative, are Messrs President, Alston, Andress, Clarke, Dailey, Dent, Farrar, King, Lloyd, Reese, Smith, Thornton, and Turner.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to authorize the judge and commissioners of roads and revenue of Autauga county to levy a tax, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bill to be entitled, an act respecting the claim of Mark Nicholas of Perry county against the State Bank, was read a third time.

Mr Jones moved to refer the bill to the judiciary committee; which was lost. Yeas 13–Nays 16.

Those who voted in the affirmative are Messrs Alston, Address, Dailey, Jones, King, Lea, McVay, Phillips, Ross, Thornton, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are Messrs Clarke, Creagh, Dent, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, Reese, Rodgers, Smith, Terry, Toulmin, and Turner.

The question was then put ‘shall the bill pass?’ which was decided in the negative. Yeas 6–Nays 23.

Those who voted in the affirmative, are Messrs Alston, Address, Dent, King, Lea, and McConnell.

Those who voted in the negative are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McVay, Phillips, Reese, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr Jones moved that the Senate adjourn; which was lost.

Mr Rodgers from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

A bill to be entitled an act to attach a part of the county of Wilcox to the county of Butler:

A bill to be entitled, an act for the benefit of the Alabama Fencibles:

A bill to be entitled, an act regulating sales by the sheriff of the county of Bibb:

A bill to be entitled, an act to change the time of holding the county court of Tallapoosa county:

A bill to be entitled an act to change the time of holding of an assessor and tax collector for the county of Chambers:

A bill to be entitled an act to regulate taxation for the county of Henry:

A bill to be entitled an act to repeal the fifth section of an act to incorporate the town of Fredonia in Chambers, approved February fourth, 1840:

On motion of Mr Clarke the orders of the day were suspended.

Mr Clarke then moved that when the Senate adjourn, it will adjourn until half after three o'clock this evening; which was carried.

On motion of Mr Turner,

Resolved, That with the consent of the House of Representatives, the two Houses will assemble in the Hall of the House on Friday the sixteenth instant, at half past twelve o'clock, to elect a solicitor for the fifth judicial circuit, also a judge of the county court of Tallaposa county, and a judge of the tenth judicial circuit.

On motion of Mr Hudson, the Senate then adjourned.

EVENING SESSION, half past 3 o'clock.

Mr Hall moved a call of the Senate; which was sustained, when the following members appeared and answered to their names, to wit:

Messrs President, Andress, Clarke, Creagh, Dailey, Dent, Hudson, Hall, Lea, McAllister, McConnell, McVay, Phillips, Reese, Toulmin, Turner, and Wilson of J.

Mr Hall moved to reconsider the vote refusing to pass a bill respecting the claim of Mark Nicholas of Perry county, against the State Bank.

On motion of Mr Hudson, the motion of Mr Hall to reconsider was postponed until to-morrow twelve o'clock.

Mr President laid before the Senate a document in relation of the contested election of Sumter county; which on motion of Mr Hudson was referred to the committee on privileges and elections.

Mr Wilson of J. from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit:

An act to alter and amend the law respecting dower:

An act to incorporate a male and female academy of the town of McDonald: and

An act for the relief of Mary Howell.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled, an act for the relief of Jethro D. Conway, was read a second time.

On motion of Mr Rice, it was referred to the committee on Indian expenditures.

A bill to be entitled, an act for the relief of Spartan Allen, was read a second time, and on motion of Mr McConnell, referred to the committee on Indian expenditures.

Engrossed bill to be entitled, an act to improve the navigation of the Cahawba river, was read a third time: the question then was 'shall the bill pass?' which was decided in the affirmative. Yeas 15—Nays 4.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Dailey, Dent, Lea, McAllister, McConnell, McVay, Phillips, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative are Messrs Hall, Hudson, Rice, and Smith.

Ordered, that the title of the bill remain as aforesaid, and that it be sent to the House of Representatives for its concurrence.

A bill to be entitled, an act to appoint a justice of the peace in the town of Troy, in the county of Pike, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled, an act to secure the fees of certain officers in the county of Mobile, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to be entitled an act for the relief of the Florence Bridge Company, was read a second time, and on motion of Mr Creagh, the word 'ten' was stricken out, in the third line of the second section.

Mr McVay moved to fill the blank with 'nine' and the yeas and nays were called. Yeas 6—Nays 22.

Those who voted in the affirmative are Messrs Alston, Andress, Dailey, Hall, Lea, McAllister, McVay, Thornton, and Wilson of J.

Those who voted in the negative are Messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lloyd, McConnell, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

The motion was lost.

Mr Hall moved to fill the blank with 'six' and the yeas and nays were called. Yeas 10—Nays 19.

Those who voted in the affirmative are Messrs Alston, Address, Dailey, Hall, King, Lea, McVay, Phillips, Thornton, and Wilson of J.

Those who voted in the negative are Messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, Lloyd, McAllister, McConnell, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Womack.

The motion failed.

Mr Phillips moved to fill the blank with 'five;' which was lost.

On motion of Mr Hudson, the bill was ordered to lay upon the table.

The following preamble and resolutions previously submitted by Mr King came up among the orders of the day, to wit:

Whereas, according to the doctrines of the republicans of ninety-eight, and recognized the acknowledged by all true democrats, the Government of the United States, and that of the State of Alabama, are both purely representatives, as to all legislative actions and legislative duties, and when the delegates of the National or State Legislatures fail to represent the ascertained will of the majority of their respective constituency, they are guilty of direct usurpation and a palpable violation of their trust. So sacred are the obligations which this representative principal imposes, that express instructions should not be required to mould the representatives to the popular will, if, by any other means, this will can be ascertained; upon these fundamental principles of true democracy, and to secure a perfect and entire responsibility upon this basis, our own State has been divided into counties entitled to separate delegations who should be the several exponents of the will of the majority of that county. The collected representation from all the counties compose of the Legislature of Alabama, to which body, is assigned the duty of electing two senators to represent the State of Alabama in the Senate of the United States for the term of six years. The duty now devolves upon the Legislature of Alabama to elect one of those senators, and that body is now relieved from all risk of a misconception of the wishes of their respective constituents as the recent vote of all the counties after a long and exciting contest, has so clearly manifested that wish, as to make it equivalent to positive instructions: and he who fails or refuses, after a clear manifestation of public opinion to reflect that opinion in the election of a senator either denies the democratic principle of popular control, or recognizing it in theory, contemns the voice of those by whom alone is, he empowered to vote: Therefore,

Be it resolved, That in all cases of representative is bound to respect the ascertained will of his constituents, and that a failure or neglect truly to act, and vote for them and in their name, is an express violation of the principles of genuine democracy.

Be it further resolved, That in the election of a senator to represent to State of Alabama in the Congress of the United States no representative is authorized or empowered to exercise discretionary powers, but he is bound

to vote for that individual whose political opinions may accord with those of a majority of his constituents.

Mr Terry offered the following as a substitute:

Whereas the relation of representative and constituent is one of a great delicacy, all interference with it by a third party is obstructions and improper. This Legislature deems any attempt to define or enforce the right of instructions, except in cases, relating directly to agents who receive the grant or power from them, as not only unnecessary and uncalled for, but the highest degree objectionable. Each representative in the State Legislature is responsible alone to his immediate constituents for his acts as such representatives; and we deny the right of any persons or persons to interfere in any manner, whatsoever, between the parties. He is the sole judge of the wishes of the people he represents; and whether he carries out their wishes or refuses to do so, we conceive it to be not only unusual, but unwarrantable in the Legislature of which he is component part, to pass resolutions approving his course. He receives his appointment from the people, is responsible immediately to them for his conduct; and the Legislature would be wandering from its legitimate functions, if it attempted to describe what that conduct should be. We recognize to the fullest extent the doctrine that the representative is bound to obey the known and ascertained will of his constituents; but to be binding, that will should be clearly expressed, and not left to doubtful inference; a contrary doctrine would lead to the most alarming results. We believe that the recent elections for electors of President and Vice President of the United States in the State of Alabama, is by no means a conclusive expression of the will of the people of any particular county; in such election every inhabitant of the State, is allowed by law to vote in any county in which he may happen to be on the day of the election, and votes may have been floated from one county to another in such a manner as to produce results which never would have been brought about if each individual had cast his vote at some precinct in his own county. We look to the State elections therefore as affording the only true and certain test of the will of the people of each county, and by them we conceive the representative is bound to be governed in the absence of express instructions of a contrary character. We further hold, that when a representative has been elected by a people to whom his opinions and principles are fully known, and by whom they are fully understood, the fact of such election is strong presumptive evidence that their opinion and principles accord with his own; and he is at liberty to regulate his conduct accordingly unless otherwise instructed. Entertaining these views and opinions, and being satisfied that the right of instruction is one of too high and sacred a character to be resorted to on every trivial occasion, or by other persons than those who have the right to instruct, we hold it to be our duty to repudiate all interference with the subject, but by the people themselves:

Therefore be it Resolved, That we believe it to be highly improper for this body to interfere in any manner with his constituents, and that we cannot recognize the right of this Legislature to decide whether a representative is or is not carrying out the will of the people whom he represents.

Mr Hudson moved to lay the resolutions and substitute upon the table; upon which motion the yeas and nays were demanded. Yeas 11—Nays 19.

Those who voted in the affirmative, are Messrs Alston, Address, Dent, Hudson, Lea, McConnell, Phillips, Reese, Ross, Thornton, and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hall, Jones, King, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Wilson of F. and Wilson of J.

The Senate refused to lay upon the table.

Mr Terry who had spoken twice before the Senate upon the subject, asked leave to address the Senate again.

The question was put 'shall the gentleman from Limestone have leave;' which was decided in the affirmative. Yeas 25–Nays 4.

The yeas and nays were being called for by Mr McConnell, those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, King, Lea, Lloyd, McAllister, McVay, Phillips, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are Messrs Alston, Hudson, McConnell and Reese.

The question was then upon the adoption of the substitute offered by Mr Terry; upon which the yeas and nays were demanded. Yeas 20–Nays 8.

Those who voted in the affirmative Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs Alston, Dent, King, Lea, Phillips, Ross, Thornton, and Womack.

The substitute were adopted.

The question then recurred upon the adoption of the preamble and resolution as amended; and the yeas and nays were demanded. Yeas 22–Nays 7.

Those who voted in the affirmative are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Dent, King, Lea, Phillips, Thornton, and Womack.

The preamble and resolution was adopted.

On motion of Mr McConnell, the Senate adjourned.

FRIDAY, December 18, 1840.

The Senate met pursuant to adjournment.

Mr Watrous presented the petition of sundry citizens of Coosa county, the reading of which was dispensed with, and on motion, referred to the committee on county boundaries.

Mr Alston, from the committee on the judiciary, to which was referred the petition of Mrs. Mary Bryan of the county of Marengo, reported a bill to be entitled an act to authorize the emancipation of a certain slave therein named; which was read and ordered to a second reading.

Mr Wilson of F. from the committee on privileges and elections, to which was referred the petition of James B. Tart, in relation to the contested election for Senator in the county of Sumter, reported that they have examined the boxes containing the votes given in said election, and find but few of the list of the votes given at the different precincts, either signed or certified by any one. At one precinct, supposed to be Gainesville, there is no list of votes; at another precinct, the tickets alone are sent, without any list of voters or certificates. From the facts, it is impossible for your committee to apply the tes-

timony which has been referred on the subject, as they could not in many instances ascertain by whom the vote was given that has been contested; which on motion of Mr Dent, was ordered to lay upon the table.

Mr Hudson, from the select committee, to which was referred the bill entitled an act to authorize the purchase and distribution of certain books, reported the same back to the Senate, with the following amendment, to wit: strike out the word 'two' where it occurs in the bill, and insert 'one' in lieu thereof; and thus amended recommended its passage.

Mr Rice called for a division of the question; which was first upon striking out 'two,' as suggested in the report; which was carried.

The question was then upon inserting the word 'one,' in lieu thereof; which prevailed.

Mr Rice moved to lay the bill on the table; upon which the yeas and nays were demanded. Yeas 8—Nays 24.

Those who voted in the affirmative, are Messrs President, Dailey, Hall, Lloyd, McVay, Rice, Ross, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Womack.

The motion to lay on the table was lost.

The question was then upon the adoption of an amendment previously offered by Mr Hall, 'that the price of the books to be purchased should not exceed three dollars per volume.'

Mr Hall offered the following proviso as an amendment to the one previously offered; 'Provided further, that each member of the Senate present deposit in the hands of the State Treasurer, the sum five dollars for the purpose of carrying this act into effect.'

The yeas and nays were demanded upon the adoption of the proposed amendments. Yeas 9—Nays 23.

Those who voted in the affirmative are Messrs President, Dailey, Hall, McAllister, McVay, Reese, Rice, Ross, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lea, Lloyd, McConnell, Oliver, Phillips, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack.

The amendment was lost.

The question was then 'shall the bill pass?' upon which the yeas and nays were called. Yeas 21—Nays 11.

Those who voted in the negative are Messrs Alston, Address, Creagh, Dent, Hudson, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Watrous, and Wilson of F.

Those who voted in the affirmative are Messrs President, Clarke, Dailey, Farrar, Hall, Lloyd, McVay, Rice, Ross, Wilson of J. and Womack.

The bill was passed. Ordered, that its title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act to change the times of holding the courts of the second judicial circuit.

Mr King presented the following protest, to spread upon the journals of the Senate:

DECEMBER 18, 1840.

The undersigned , in the exercise of their constitutional privilege , protest against the adoption of the substitute, offered on yesterday, for the resolutions in regard to the duty of the Representative to obey the will of his constituents:

1st. Because the original resolutions express the republican doctrines more accurately, fully and distinctly, upon the subject.

2d. Because we deem the adoption of the substitute, equivalent to the objection of the original.

3d. Because we apprehend the right of instruction is not fully recognized in the substitute, and hold that the representative ought to obey the deliberate will of the majority of his constituents, whenever it is fully ascertained, though he may think it different from what it was at the time of his election, or resign his station into the hands of those whose sovereignties he pretends to represent. We go further and maintain that it is the duty of the representative, diligently to inquire and ascertain the will of his constituents. if he can, upon all subjects and at all times, subsequent to the period of his election, during his continuance in office.

4th. Because we hold it to be our constitutional right and duty to avow in our legislative capacity, wholesome republican doctrines, without qualifications, and on all proper occasions.

(Signed,)

HENRY C. LEA,
WM. S. PHILLIPS,
WM. J. ALSTON,
PEYTON KING,
HARRY I. THORNTON,
DENNIS DENT,
S. S. ANDRESS.

The undersigned approves the doctrines set forth in the above protest. I prepared the original resolutions and voted against the substitute when offered as an amendment, but voted for the final adoption of the substitute , as containing a portion of the true doctrine.

(Signed)

JESSE WOMACK.

Mr Lloyd introduced a bill to be entitled an act to establish an election precinct therein named, which was read a first time, and the constitutional rule dispensed with, the bill read a second time, and ordered to be engrossed for a third reading.

Mr Hall introduced a bill to be entitled an act to amend an act incorporate the Coosa bridge company, passed 1836, and act amendatory of said act, passed in 1839–1840; which was read and ordered to a second reading.

Mr Dailey introduced a bill to be entitled an act to alter the time of holding the spring term circuit court, in certain counties therein named; which was read and ordered to a second reading.

Mr Alston introduced a bill to be entitled an act the better to preserve records of the several counties in this State; which was read and ordered to a second reading.

On motion of Mr Toulmin,

Resolved, With the concurrence of the House of Representatives the two Houses will assemble in the hall of the House , at seven o'clock , P. M. this

day , Friday the 18th inst. for the purpose of electing a president and six directors, for the branch of the bank of the State of Alabama at Mobile.

Message from the House of Representatives by Mr Phelan :

Mr President — The House of Representatives has adopted the preamble and resolutions of the State of Alabama, responsive to certain resolutions of the State of Connecticut, in favor of the protective policy, which originated in the Senate.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill to be entitled an act to establish the general ticket system, in elections for representatives in Congress from the State of Alabama , being upon its third reading, after some time spent in the discussion of the bill, it was, on motion of Mr Dent, postponed until eleven o'clock to-morrow morning, and made the special order for that hour.

Message from the House of Representatives by Phelan:

Mr President-The House of Representatives concur in the resolution of the Senate, proposing to go into the election of a solicitor of the fifth circuit , a judge of the county court for Tallapoosa county, and a judge for the tenth judicial circuit, at half-past twelve o'clock , and has amended the same by striking out 'half-past twelve, ' and inserting 'four,' in which the concurrence of the Senate is requested.

The Senate concurred.

Mr Hall moved that when the Senate adjourn, it will adjourn until half-past three o'clock this evening ; which prevailed.

On motion of Mr Address the Senate then adjourned.

AFTERNOON SESSION, half-past 3 o'clock.

The Senate met pursuant to adjournment.

The motion to re-consider the voted refusing to pass the bill entitled an act respecting the claim of Mark Nichols, of Perry county, against the State Bank, being the special order, was taken up, and the vote re-considered.

On motion of Mr Hudson, the further consideration of the bill was postponed until Monday next, and made the special order for eleven o'clock on that day.

On motion of Mr Terry, the orders of the day were suspended.

On motion of Mr Terry, the preamble and joint resolutions of the General Assembly of Alabama, concerning the late law of New York, extending the right of trial by jury to fugitive slaves, was ordered to be taken from the table.

On motion of Mr Dent, the word 'unanimously, ' was inserted after the word 'resolved,' in each resolution.

The question was then taken upon the adoption of the resolutions , and the yeas and nays were called for by Mr Turner.

Affirmative votes are Messrs President, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Rise, Rodgers, Ross Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack—27.

No one voted in the negative.

Mr Alston asked , and was excused from voting on the resolutions.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has instructed me to invite the Senate into the hall of the House, to go into the election of a solicitor of the 5th judicial circuit , a judge of the county court for Tallapoosa county, and a judge for the 10th judicial circuit.

The Senate having repaired to the hall of the House of Representatives and taken their seats, the two houses then proceeded to the election of a Solicitor for the fifth judicial circuit , WILLIAM ACKLEN alone being in nomination.

Those who voted for Mr ACKLEN, are Messrs President, Alston, Address, Buford , Clarke, Creagh , Dailey, Dent, Farrar, Hudson, Hall, King, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson, of F. Wilson of J. and Womack, of the Senate: Messrs Speaker, Adams ,Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. David of B. Davis of L Dixon, Doster, Douglass, Fitzpatrick , Flemming, Fowler, Garrett, Griffin of M. Griffin of S .Hale, Hall, Hill, Hollinger, Houston, Hutchinson, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Kidd, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of Marion, Moores, Morris , Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Province, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Seawell , Shanks , Simmons, Smith of J. Smith of L . Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams , Wilson, Winston of D. Winston of S. Womack , Wynn and Young, of the House.

Mr ACKLEN having received one hundred and twenty six votes, the whole number given , Mr Speaker declared him duly and constitutionally elected solicitor of the fifth judicial circuit.

The two houses then proceeded to the election of a judge of the county court of Tallapoosa county, Mr. SOLOMON HEYDENFELDT, alone being in nomination:

Those who voted for Mr HEYDENFELDT, are Messrs President , Alston, Address, Buford , Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker , Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutchinson , Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little Mangum, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince , Provence , Pynes, Reynolds, Rice, Roberts, Russell, Saunders , Seawell, Shanks , Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Wann, Williams , Wilson, Winston of DeK. Winston of S. Womack, Wynn and Young, of the House of Representatives.

Mr HEYDENFELDT having received one hundred and twenty five votes, the whole number given, Mr Speaker declared him duly and constitutionally elected judge of he county court of Tallapoosa county.

The two houses then proceeded to the election of a judge of the tenth judicial circuit , WILLIAM HALE and EDWARD S. DARGAN, being in nomination:

Those who voted for Mr HALE are, Messrs Clarke, Creagh, Farrar, Hudson, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F.

and Wilson of J. of the Senate ; Messrs Adams, Adrian, Alexander, Clemens, Cobb, Davis of L., Douglass, Fowler, Hale, Hill, Houston, Hughes, Kelly, Mallard, Marchbanks, McCullough, McMillion of B., McMillion of J., Moore of Madison, Moore of Marion, Reynolds, Roberts, Russell, Saunders, Smith of J. Stone, Wann, Wilson, Winston of S. and Wynn, of the House of Representatives.

Those who voted for Mr DARGAN, are Messrs President, Alston, Address, Buford, Dailey, Dent, Hall, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Thornton, and Womack , of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Bowen , Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of A., Davis of B., Dixon, Doster, Fitzpatrick, Flemming, Garrett, Griffin of M., Griffin of S., Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little , Mangum, Mann, McClanahan, McCoy, McGill, McLemore, Mitchell, Moores, Morris, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Prince, Provence, Pynes, Rice, Seawell, Shanks, Simmons, Smith of L., Spruill, Strode, Walker of B., Walker of L., Williams, Winston of DeK., Womack and Young, of the House of Representatives.

Mr DARGAN having received a majority of the votes given, Mr Speaker declared him duly and constitutionally elected judge of the tenth judicial circuit, for the ensuing six years.

The Senate then withdrew from the hall of the House, and returned to their Chamber, Mr President took the chair, and the Senate proceeded to the consideration of the special order, that being the preamble and joint resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the States of Connecticut and Kentucky, touching the public lands.

Mr Alston moved to strike out the words 'contrary to the compact and in violation of the constitution of the United States,' in the first resolution; which was lost. Yeas 10—Nays 18.

Those who voted in the affirmative , are Messrs Alston, Address, Dailey, King, Lea, Oliver, Phillips , Ross, Thornton and Womack.

Those who voted in the negative , are Messrs President , Clarke, Creagh, Dent, Farrar, Hudson, Hall, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Alston moved to refer to a select committee ; which was lost.

Mr Turner moved to postpone until to-morrow eleven o'clock, and make it the special order for that hour; which was carried.

On motion of Mr Rice, the Senate then adjourned.

SATURDAY , December 19, 1840.

The Senate met pursuant to adjournment.

On motion of Mr Hudson,

Resolved, That the secretary of the Senate be instructed to ascertain from the directors or ex-directors of the State Bank, who may now be at or near the seat of government, what are the circumstances under which a bill of exchange, drawn during the year 1837, by Mark Nichols, was purchased and applied in said Bank; what were the conditions upon which it was purchased, and other circumstances in their knowledge or recollection, and report to the Senate previous to eleven o'clock , A. M. on Monday next.

Mr Phillips presented the petition of William W. Frambro and others, which was referred to the committee on the judiciary.

Mr Hudson introduced a bill to be entitled an act to amend the charter of the Tuscumbia, Courtland and Decatur rail road company, and for other purposes, which was read a first time, and the constitutional rule dispensed with,

the bill read the second time, and ordered to be engrossed for a third reading.

On motion of Mr Wilson of J.

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House of Representatives , this day, 19th Dec, at the hour of 4 o'clock , P. M. for the purpose of going into the election of judge of the county court of Shelby county.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act regulating the fees of bank attorneys on collections from the purchasers of sixteenth sections, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act regulating the sales of constables was read a second time.

On motion of Mr Wilson of F. it was indefinitely postponed.

A bill to be entitled an act to authorize a stay of execution in certain cases, was read a second time.

On motion of Mr Lea it was laid on the table.

A bill concerning deeds was read a second time, and on motion of Mr Ross ordered to lie on the table.

A bill to be entitled an act to repeal so much of the venue law of this State as relates to criminal cases, was read a second time.

On motion of Mr Alston it was laid on the table.

A bill to be entitled an act in relation to the sixteenth section in township ten, of range five, in the county of Wilcox, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to explain an act entitled an act to appoint administrators in certain cases, was read the second time.

On motion of Mr Hudson, the constitutional rule was dispensed with, and the bill read a third time and passed.

Ordered, that the title remain as aforesaid, and that the House be acquainted therewith.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, a bill to be entitled an act for the relief of the citizens of Deerhead Cove in the county of DeKalb.

Engrossed bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, approved 26th of January, 1839, was read a third time ,the various blanks being filled as therein shewn.

Mr Dailey offered the following amendment as an engrossed ryder , to wit: "Provided , that division three months immediately preceding the passage of this act, and one year in the State:" and "Provided further , that whenever hereafter a vacancy occurs in the chancellorship in either of the divisions now established, by death, resignation or otherwise, and upon the term of service for which they may have ben elected having expired , such vacancy shall be fille from persons living in their respective, divisions , according to the provisions of the preceding section."

The amendment was lost.

The question then recurred on the passage of the bill and the yeas and nays were demanded —Yeas 19—Nays 10.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh,

Hudson, Hall, Jones, King, Lea, Lloyd, McConnell, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative , are Messrs Alston, Dailey, Farrar, McAllister, McVay, Rice, Ross, Smith, Terry, and Wilson of J.

The bill passed. Ordered, that the title remain unchanged .

Ordered , that it be sent to the House of Representatives for their concurrence.

The hour of eleven having arrived , the Senate proceeded to the consideration of the special order of the day, to wit: A bill to be entitled an act to establish the general ticket system in elections for Representatives in Congress from the State of Alabama , was read a third time.

On motion of Mr Reese, the further consideration of the bill was postponed till half past three o'clock this evening.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has concurred in the resolution of the Senate proposing to go into the election of a judge of the county court for Shelby county, this day at 4 o'clock, p. m.

Mr Reese moved that when the Senate adjourn it will adjourn until half past 3 o'clock.

On motion of Mr Wilson of F. the Senate then adjourned.

EVENING SESSION, half past 3 o'clock.

The Senate met pursuant to adjournment.

Mr Rodgers moved a call of the Senate, which was sustained , when the following Senators appeared and answered to their names, to wit:

Messrs President , Andress, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Watrous Wilson of F. Wilson of J. and Womack.

On motion of Mr Hudson, the absentees were excused.

The Senate then took up the bill to be entitled an act to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, said bill being the special order of the day.

Message from the House of Representatives , by Mr Phelan:

Mr President—The House of Representatives, for the purpose of going into the election of a judge for the county court of Shelby county.

The Senate having repaired to the hall of the House of Representatives nad taken their seats, the two houses proceeded to the election of a judge of the county court of Shelby county , CHARLES R. GIBBS and ANDREW J. STEPHENS being in nomination:

Those who voted for Mr GIBBS, are Messrs Alston, Andress, Buford, King, Lea, Oliver, Phillips , Ross, Thornton, Watrous, and Womack of the senate; Messrs Ashurst, Barron, Bates, Bell Bowen, Bradley, Broughton, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Dixon, Doster, Fitzpatrick, Flemming, Griffin of S. Hall. Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peguese, Perkins, Peterson, Seawell, Shanks, Simmons, Spruill, Womack, and Young of the House of Representatives.

Those who voted for Mr STEPHENS are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the senate;

Messrs Speaker, Adrian, Alexander, Blackshear, Blair, Clemens, Davis of L. Douglass, Fowler, Griffin of M Hale, Hill, Houston, Hughs, Jones, Kelly, King Mallard, McClanahan, McCullough, McMillion of J. Moore of Mad. Moore of Marion, Morris, Pynes, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.

Mr STEPHENS having received a majority of the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Shelby county for the ensuing six years.

The Senate then returned to the Senate Chamber, Mr President resumed the Chair, and proceeded to business, the special order still being under consideration.

Mr Buford moved to postpone the further consideration until Monday morning 11 o'clock, which was lost.

Mr King moved to adjourn, which was lost—Yeas 12, Nays 19. The yeas and nays being demanded,

Those who voted in the affirmative are Messrs Alston, Address, Buford, Dailey, Jones, King, Lea, McVay, Oliver, Philips, Thornton, and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The motion was lost.

Mr Buford who occupied the floor, gave way, and Mr Womack moved that the Senate adjourn, which was lost—Yeas 12, Nays 19.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Dailey, Jones, King, Lea, McVay, Oliver, Phillips, Thornton, and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hall, Hudson, Lloyd, McAllister, McConnell, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner Wilson of F. and Wilson of J.

Mr Buford resumed his remarks.

Mr Lea moved to adjourn, and the yeas and nays were demanded. Yeas 10, Nays 21.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Dailey, King, Lea, Oliver, Phillips, Thornton and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner Wilson of F. and Wilson of J.

The motion was lost.

Mr Hall moved the previous question, and the yeas and nays were demanded—Yeas 13, Nays 17.

Those who voted in the affirmative, are Messrs President, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, Rice, Rodgers, Ross, Smith and Wilson of F.

Those who voted in the negative, are Messrs Alston, Address, Buford, Clarke, Dailey, King, Lea, Lloyd, McVay, Oliver, Phillips, Terry, Thornton Toulmin, Turner, Wilson of J. and Womack.

The previous question was sustained.

The question was then put, Shall the bill pass? which was decided in the affirmative. Yeas 19, Nays 12.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh,

Dailey, Farrar, Hudson, Hall , Jones, Lloyd, McAllister, McConnell, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Buford, King, Lea, McVay, Oliver, Phillips, Reese, Ross, Thornton and Womack.

The bill passed. Ordered, that its title remain unchanged.

On motion of Mr McConnell, the Senate then adjourned.

MONDAY, December 21, 1840.

The Senate met pursuant to adjournment.

Message from the House of Representatives , by Mr Phelan:

Mr President—The House of Representatives has concurred in the amendment made by the Senate to the bill for the payment of certain claims against the State, and has disagreed to the amendment made by the Senate to the bill to authorize Henry Hunter of Dallas county, to erect a gate or gates upon that part of the public road which runs through his land, opposite the town of Lexington in said county.

The House has also passed bills of the following titles:

An act to form a company beat in the county of Marshall:

An act to divorce Almond Saunderson, from his wife Susan Saunderson:

An act to incorporate the Tipton male and female academy:

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochie river, in the town of Irwinton, Barbour county:

An act to amend an act for the location of the seat of justice in Washington county, and for other purposes:

And an act to incorporate the town of Eutaw, in the county of Greene:

In which the concurrence of the Senate is requested.

Mr Phillips moved that the Senate adhere to its amendment made to the bill, to be entitled an act to authorize Henry Hunter of Dallas county to erect a gate or gates upon that part of the public road which runs through his land opposite the town of Lexington in said county, and for other purposes, which was carried.

Engrossed bill from the House of Representatives to be entitled an act to divorce Almond Saunderson from his wife Susan Saunderson , was read a first time.

On motion of Mr Phillips, the constitutional rule was dispensed with , the bill was then read the second time, and on motion of Mr Hudson, referred to the committee on divorce and alimony.

Engrossed bills from the House of Representatives, of the following titles, to wit:

An act to form a company beat in the county of Marshall , and for other purposes:

An act to incorporate the Tipton male and female academy:

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochie river, in the town of Irwinton, Barbour county, approved Dec. 23, 1837:

An act to amend an act for locating the seat of justice of Washington county, and for other purposes:

An act to incorporate the town of Eutaw, in Greene county:

Were severally read and ordered to a second reading

Message from His Excellency the Governor:

EXECUTIVE DEPARTMENT,}

Tuscaloosa, December 19, 1840.

Gentlemen of the Senate and House of Representatives:

I beg leave to call the attention of the General Assembly to the existing laws in relation to the election of members of Congress of the United States.

It will be recollected that the term for which the members of body are elected , expires on the 4th of March, and that general elections in this State are holden on the first Monday in August thereafter, Hence, in the event of an extra session of Congress between the 4th of March and the first Monday in August, the State of Alabama would be entirely destitute of any representation in the popular branch of the National Legislature.

I have, therefore, felt it to be my duty to present the subject to the notice of the General Assembly , in order that they might make such provisions to guard against a contingency which might occur, as in their judgment may be right and proper.

A. P. BAGBY.

Mr Terry moved to refer the message to the committee on privileges and elections.

Mr McConnell moved to lay it on table: which was lost.

The question then recurred upon Mr Terry's motion to refer, which was carried.

Mr Hall presented the accounts of sundry individuals, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Lea from the committee on internal improvement and inland navigation, made the following report, to wit:

The committee on internal improvement and inland navigation , to whom was referred the communication of John S. Simpson, one of the commissioners for the improvement of the Elk river, herewith return the same to the Senate, there being no necessity for legislative action for the present. The committee approve of the course of the commissioners not to draw or apply the appropriations set apart for that purpose, except at such times and in such manner, as will be obviously conducive to the public good.

In which report the Senate concurred.

Mr Lea, from the same committee, to whom was referred a bill to be entitled an act to assist the Montgomery and West Point rail road company, reported a substitute therefore, and recommended its passage.

The hour of eleven o'clock having arrived, the Senate took up the preamble and joint resolution of the Senate and House of Representatives of the State of Alabama, in answer to the resolutions of the Legislatures of the States of Connecticut and Kentucky, in relation to the distribution of the public lands.

Mr Terry moved to suspend the special order, until the subject before the Senate was dispensed of which was carried.

The Senate then resumed the consideration of the substitute reported by the committee.

Mr McConnell moved to amend it by an additional section; which was lost.

Mr Hall moved to recommit the substitute, reported by the committee , together with the original bill, to a select committee, with Mr Terry for its chairman; which was lost.

The question then recurred upon the adoption of the amendment reported by the committee; which was lost. Yeas 12—Nays 19.

Those who voted in the affirmative, are Messrs President, Alston, Address, Dailey, Hall, King, Lea, McAllister, Reese, Toulmin and Watrous.

Those who voted in the negative, are Messrs Clarke, Creagh, Dent, Farrar, Jones, Lloyd, McConnell, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Turner, Wilson of F. Wilson of J. and Womack.

Mr Lea moved to lay it upon the table; which was carried.

Message from his Excellency, the Governor, by his private secretary:

December 21, 1840.

Mr President—I am instructed by his Excellency, the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act to change the time of holding the circuit courts of the second judicial circuit:

An act for the relief of Mary Howell;

An act to alter and amend the laws respecting dower:

Which bills originated in the Senate.

Mr Smith, from the committee on enrolled bills reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

A bill to be entitled an act to change the time of holding the August term of the commissioners court of roads and revenue, in the county of Henry:

A bill to be entitled an act to authorize and compel the tax collector for the county of Covington, to receive in payment of taxes for said county, jury tickets for services rendered in the circuit and county courts; and for other purposes:

A bill to be entitled an act to limit the session of the circuit court to three weeks, in the county of Tallapoosa:

A bill to be entitled an act to authorize the election of an assessor and tax collector for the county of DeKalb.

The Senate then resumed the consideration of the special order.

Mr Alston moved to strike out these words on the seventh page, to wit: 'but because we consider it altogether at war with the terms of session of those lands which were ceded by the States and wholly unconstitutional as respects those lands which were purchased of France and Spain;' and on the eighth page, strike out the words 'and in violation of the compact of cession, and the constitution;' which was lost. Yeas 9—Nays 19.

Those who voted in the affirmative, are Messrs Alston, Address, Dailey, King, Lea, Oliver, Phillips, Reese, Ross and Thornton.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Phillips called for a division of the question; which was first taken upon the adoption of the preamble, and the first branch of the first resolution; which was adopted. Yeas 26—Nays 3.

Those who voted in the affirmative, are messrs President, Address, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, Lea, Lloyd, McAllister, McConnell, McVay, Phillips, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs Alston, Oliver and Thornton.

The question was next taken upon the second branch and adopted. Yeas 22—Nays 9.

Those who voted in the affirmative , are messrs President , Clarke, Creagh, Farrar, Hudson, Hall, Jones, Lea, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are messrs Alston, Andress, Dailey, Dent, King, Oliver, Phillips, Ross and Thornton.

Mr Rodgers from the committee on enrolled bills, reported that they had examined and found correctly enrolled,

A bill to be entitled an act to alter the mode of assessing and collecting the taxes for Henry and Dale counties:

Also, a preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the State of Connecticut in favor of the protective policy.

The Senate took up the bill respecting the claim of Mark Nicholas of Perry county, against the State Bank—said bill being the special order of the day.

The question was then put, 'shall the bill pass?' which was decided in the negative. Yeas 10—Nays 11.

Those who voted in the negative, are Messrs President, Buford, Clarke, Dailey. Farrar, Jones, Lloyd, McAllister, McVay, Reese, Rice. Rodgers, Ross, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

The bill was lost.

The committee on federal relations , to whom was referred certain joint resolutions of the Legislature of South Carolina, in relation to the Georgia and Maine controversy, have had the same under consideration and beg leave to report, that after careful examination of facts and circumstances and beg leave to the preamble to said joint resolutions, connected with the felonies stealing and carrying away the slave Atticus, by Daniel Philbrook and Edmond Kilborn, from the State of Georgia, and transporting him to the State of Maine, and the refusal of the Executive of the State of Maine, to surrender said Philbrook and Kilborn as fugitives from justice upon demand made by the Governor of Georgia, pursuant to the provisions of the Federal Constitution—They have come to the conclusion that the demand made was legal and proper, that the right was clear under the Constitution, and the refusal to surrender was inconsistent with the constitutional obligations of a State. They, therefore, concur in the following resolutions of said State, and recommend their adoption by the General Assembly of this State:

1. Resolved . That it is the duty, as well as the right of any State, to insist on the faithful observance of the Federal Constitution by each State in the Union.

2. Resolved, That to define crimes and felonies within its jurisdiction , is an incident to the sovereignty of each State, and that no other State can question the exercise of that right.

3. Resolved, That to demand the surrender and removal of fugitives from justice, is , by the Constitution, a right, and the arrest and surrender a duty, that the denial or impairment of this right is inconsistent with the constitutional obligations of a State , and subversive of the peace and good government of the other States.

4. Resolved, That the right has been impaired, if not denied by the authorities of Maine, and that this State will never consent that any State shall become an asylum for those who are fugitives from the justice of other States.

5. Resolved, That this State will make common cause with any State of this Confederacy, in maintaining its just rights, under the guaranty of the Constitution of the United States; and should the obligation of this instrument be disregarded by those whose duty it may be to enforce them, it will take counsel of its co-States of this Confederacy, having similar interests to protect and similar injuries to redress, in devising and adopting such means as to maintain at any hazard, their rights and property, which the obligations of the compact of Union, cancelled as they there will be so, as to have failed to enforce.

6. Resolved, That the Executive of this State be requested to transmit to the Executives of the several State, to be laid before their respective Legislatures, to the President of the United States, and to our Senators and Representatives in Congress, a copy of the above report, and of those resolutions.

Upon the adoption of which, the yeas and nays were demanded. Yeas 28—Nays none.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Buford, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lea, Lloyd, McAllister, McVay, Oliver, Phillips, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack.

Mr Hudson, from the same committee, to whom was referred certain joint resolutions of the Legislature Council and General Assembly of the State of New Jersey, made the following report:

The resolutions set forth that certain persons who claimed to be Representatives of the people of the State of New Jersey, in the twenty-sixth Congress of the United States, at the proper time and place, appeared and produced their commissioners as such Representatives, and claimed the right to unite with the Representatives of the other States of the Union in forming and organizing a House of Representatives, but by acts of a portion of those Representatives were prevented from exercising that right.

The above statement embraces substantially, but concisely, the matters contained and set forth in the resolutions. It will be perceived, that it is charged that the Representatives of the States, other than New Jersey, have in the instance and acts referred to, violated the rights of New Jersey, and that, that violation consist in rejection of the persons who claim to be the Representatives of the latter State, in the United States Congress. To enable us to determine whether the rights of New Jersey, were in fact violated, it becomes necessary to ascertain whether the persons claiming to be the Representatives, were in truth elected by the electors qualified to vote for members of the most numerous branch of the State Legislature of that State; for unless they were thus elected, it cannot be contended that they were entitled to exercise the rights claimed for them. The whole question turns upon this point alone.

Your committee have not had the means of procuring either positive, written or oral evidence, shewing whether those persons were so elected or not; nor does the resolutions, themselves, aver that fact in the absence of positive testimony. Your committee have sought the best within their reach, and for this purpose, examined the action of Congress in the matter; they ascertained that the rights of those gentlemen to represent the State of New Jersey, were contested by the other gentlemen, who claimed to be duly elected according to the constitution and laws of that land.

The House of Representatives in the exercise of the power on that branch of the Federal Legislature, in the first clause of the fifth section of the first article of the Constitution, instituted an inquiry of this contest, and after a delay of some months, and after a lengthy and laborious examination of the question, determined that the persons named in the resolutions of New Jersey, were not elected members, and had no right to unite with the Representatives of the other States in forming one branch of the Federal Legislature. Whether this determination be right or wrong, your committee, as above stated, have not the means of ascertaining. But, as by the particular clause in the United States Constitution alluded to above, the House of Representatives was invested with the power to determine and pass upon this question. Your committee have felt bound in the absence of proof to the contrary, to come to the conclusion that their determination was in accordance with the facts.

Taking then the action of the House of Representatives, as the evidence on which your committee must rely, and connecting with it the absence of an averment to the contrary, in the resolutions themselves, your committee come to the conclusion that the persons named in those resolutions, were not elected members to the twenty-sixth Congress of the United States; and consequently the rights of New Jersey were not violated in the regulation of their claims. Believing this, inasmuch, as the time has passed when the purpose sought to be obtained by the said resolutions, has passed, your committee come to the conclusion that an expression of opinion on the subject by this General Assembly, is uncalled for and unnecessary; and your committee ask to be discharged from the further consideration thereof.

The report of the committee was concurred in by the Senate. Yeas 18-- Nays 11.

Those who voted in the affirmative are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McVay, Reese, Rodgers, Smith, Terry, Toulmin, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs Alston, Address, Buford, King, Oliver, Phillips, Ross, Thornton, Watrous, and Womack.

Mr Wilson of F. from the judiciary committee, to whom was referred a bill to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, reported the same back to the Senate, declaring the two acts referred to in the bill are acts of ordinary legislation, the repeal of which, if though expedient, violates the constitutional principle. The passage of the bill is therefore recommended. The bill was placed among the orders of the day.

Mr Phillips introduced a bill to be entitled an act to incorporate and extend the powers of the Alabama medical society, which was read a first time, on motion of Mr Phillips, the constitutional rule was dispensed with, the bill read a second time, and on motion of Mr Phillips, referred to a select committee. Messrs Phillips, Oliver, and Dailey appointed said committee.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, a bill to be entitled an act permanently to locate the seat of justice for Marshall county and for other purposes.

Mr Toulmin introduced a bill to be entitled an act to amend the charter of the city of Mobile, which was read a first time and on motion of Mr Toulmin, the constitutional rule was dispensed with, the bill read a second time, and on motion of Mr Alston, referred to the judiciary committee.

Mr Buford introduced a bill to be entitled an act to authorize the judge and

commissioners of roads and revenue of Russell county, to levy a tax for county purposes, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr Ross,

Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law for the relief of endorsers on bills of exchange, or in other words, requiring the president and directors of the bank of the State of Alabama and the several branch banks, to sue on all bills of exchange at the first term of the court after the bill falls due and remains unpaid; and that they report bu bill or otherwise.

Mr Hall offered the following resolution:

Resolved, That with the concurrence of the House of Representatives , the two Houses will assemble on the hall of the House on Tuesday, the 22d inst. at half past three o'clock, for the purpose of electing a president and six directors for the branch bank of Montgomery.

Mr Reese moved to amend the resolution by striking out 'Tuesday, 22d,' and inserting 'Saturday, 26th,' which was adopted. Yeas 19–Nays 11.

Those who voted in the affirmative are Messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Wilson of J. and Womack.

Those who voted in the negative are Messrs Alston, Address, Buford, Hall, King, Lea, McConnell, Oliver, Phillips, Ross and Wilson of F.

Mr Hall moved to lay the resolution upon the table; which was lost.

The question then recurred upon the adoption of the resolution as amended; which was carried.

On motion of Mr Toulmin, a bill to be entitled an act to enlarge the discretion of State Bank and its several branches, in securing debts, and authorizing them to appoint bank marshals if necessary, was taken from the table and placed among the orders of the day.

On motion of Mr Reese, a bill to be entitled an act to repeal so much of the venue law of this State as relates to criminal cases, was taken from the table and placed among the orders of the day.

On motion of Mr Terry, the joint resolution of the General Assembly of the State of Alabama, in response to certain resolutions of the State of Maine, in relation to the northeastern boundary question, was taken from the table and placed among the orders of the day.

The Senate then proceeded to the consideration of the orders of the say.

Engrossed bill from the House of Representatives, to be entitled an act to amend an act to incorporate the fireman's insurance company of Mobile, was read a third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bills of the following titles, to wit:

An act to authorize rescinding a certain contract therein named:

An act to regulate damages in the supreme, circuit and county courts:

An act to amend the law in relation to judicial proceedings:

An act to amend the laws in regard to limitation of actions:

An act to create a sinking fund for the redemption of the five per cent bonds, issued by the State of Alabama:

An act to levy a special tax, for the county of Morgan:

Were severally read a third time and passed. Ordered, that their titles re-

main as aforesaid, and that they be sent to the House of Representatives for their concurrence.

A bill to be entitled an act supplementary to the attachment law of this State, to authorize attachments to issue on mortgages, deeds in trust, &c. in certain cases, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to change the time of holding the county court of the county of Tallapoosa, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to establish a private way for H. J. Y. Moss, to his landing on the Tombeckbee river, in the county of Washington, was read a second time, and on motion of Mr Creagh, referred to the committee on roads, bridges and ferries.

A bill to be entitled an act for the benefit of J. Hueri Hottinger, was read a second time, and on motion of Mr Lea, referred to the committee on the judiciary.

Joint resolution requiring the comptroller of public accounts, to proceed to Washington city for the purpose of urging and collection all claims upon the government of the United States, growing out of the late Indian disturbance in this State, was read a second time. Mr McConnell moved its reference to a select committee, with Mr Reese as chairman; which was lost.

On motion of Mr McConnell, the words 'comptroller of public accounts,' was stricken out.

Mr Hall moved to postpone the resolution indefinitely; and the yeas and nays were demanded. Yeas 15–Nays 13.

Those who voted in the affirmative are Messrs President, Andress, Dailey, Dent, Farrar, Hall, King, Lea, McVay, Oliver, Rice, Smith, Terry, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs Alston, Buford, Clarke, Creagh, Hudson, Jones, McAllister, McConnell, Reese, Ross, Thornton, Toulmin, Turner, and Womack.

The resolution was postponed indefinitely.

Engrossed bill to be entitled an act to compensate Little & Hopkins, for the passage and stores of sixty-four volunteers soldiers of Captain Martin and Taylor's companies from Mobile to Demopolis and James Town, on board the steamer Wanderer, was read a third time: the question was 'shall the bill pass?' and the yeas and nays were demanded. Yeas 18–Nays 13.

YEAS– Messrs Andress, Buford, Creagh, Dailey, Dent, Hudson, King, Lea, McAllister, McConnell, McVay, Oliver, Terry, Thornton, Toulmin, Wilson of F. Wilson of J. and Womack.

NAYS–Messrs President, Clarke, Farrar, Hall, Jones, Lloyd, Philips, Reese, Rice, Rodgers, Ross, Smith, and Turner.

The bill passed. Ordered, that its title remain unchanged. Ordered, that it be sent to the House of Representatives for its concurrence.

Joint resolutions requiring all accounts against this State to be submitted to, and audited by the Comptroller of Public Accounts, was read a second time, and on motion of Mr Hudson, ordered to lay upon the table.

On motion of Mr Wilson of J. the Senate then adjourned.

TUESDAY, December 22, 1840.

The Senate met pursuant to adjournment.

Mr Womack introduced a bill to be entitled, an act to prevent persons from establishing negro quarters without keeping some white persons on the premises; which was read the first time, and on motion of Mr Dent, the constitutional rule requiring bills and joint resolutions to be read on three several days was dispensed with, the bill was then read a second time, and on motion of Mr Dent, referred to a select committee, consisting of Messrs Dent, Womack, and Terry.

Mr Andress introduced a bill making appropriations for the payment of the members of the General Assembly, and the officers of the two Houses; which was read a first time: the constitutional rule being dispensed with, the bill was read a second time, and ordered to be engrossed.

The Senate then proceeded to the considerations of the orders of the day.

Engrossed bill from the House of Representatives to be entitled, an act to declare the West Prong of the Choctawhatchee a public highway, was read a second time, and on motion of Mr Creagh, referred to the committee on internal improvement and inland navigation.

Engrossed bill from the House of Representatives to be entitled, an act to provide for the payment of grand and petit jurors of Dallas and Wilcox counties, was read a second time, and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled, an act to regulate the practice in the courts of chancery in this State, was read a second time.

On motion of Mr Hudson, the constitutional rule was dispensed with, and the bill was read a third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Message from His Excellency the Governor:

EXECUTIVE DEPARTMENT, }

Tuscaloosa, December 22, 1840.

SIR—I have the honor to inform the Senate that a vacancy has occurred in the office of the judge of the county court of Lawrence county by the resignation of the Hon. Boling Baker, late judge of said court.

A. P. BAGBY.

Hon. J. L. F. COTTRELL, President of the Senate.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the centenary institute of the Alabama Annual Conference of the Methodist Episcopal Church, in the county of Dallas.

Mr Dailey moved to strike out the fourth section; which was lost. Yeas 2—Nays 29.

Those who voted in the affirmative are Messrs President and Dailey.

Those who voted in the negative, are Messrs Alston, Andress, Creagh, Clarke, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack.

On motion of Mr Phillips, the constitutional rule requiring bills and joint resolutions to be read on three several days was dispensed with: the bill was then read a third time and passed. Yeas 27—Nays 3.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Womack.

Those who voted in the negative, are Messrs Dailey, Rodgers, and Wilson of J.

Ordered, that the title remain as aforesaid, and that the House be acquainted therewith.

Message from the House of Representatives, by Mr Phelan.

Mr President—The House of Representatives has adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Tuesday the twenty-second instant, at half past three o'clock, for the purpose of electing a President and six Directors for the Branch Bank, at Montgomery,

In which the concurrence of the Senate is requested.

On motion of Mr Hall, 'Tuesday the twenty-second' was stricken out and 'Saturday the twenty-sixth instant,' inserted in lieu thereof.

The resolution, as amended, was then concurred in.

Engrossed bill from the House of Representatives to be entitled, an act to provide for the election of sheriff in certain cases, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled, an act to repeal that part of the military law which requires brigade encampment drills and for other purposes, was read a second time.

On motion of Mr Thornton, it was referred to a select committee, Messrs Thornton, Dent, and Alston, were appointed said committee.

Engrossed bill from the House of Representatives to be entitled, an act to attach a part of the county of Butler to the county of Conecuh, was read a second time; the constitutional rule being dispensed with, it was read a third time and passed. Ordered, that the title remain unchanged. Ordered, that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled, an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, was read a second time.

On motion of Mr Wilson of F. it was referred to the committee on the judiciary.

Engrossed bill from the House of Representatives to be entitled, an act to incorporate the town of Jasper in the county of Walker, was read a second time.

On motion of Mr Hudson, the constitutional rule was dispensed with, and the bill read a third time and passed. Ordered, that its title remain unchanged and that it be sent to the House of Representatives.

Engrossed bill from the House of Representatives to be entitled, an act to abolish and establish certain election precincts therein names, was read a second time.

Mr Clarke offered an amendment as an additional section; which was adopted.

Mr Hudson offered an amendment as an additional section; which was adopted.

Mr Smith offered an amendment as an additional section; which was adopted.

Mr Buford offered an amendment as an additional section; which was adopted.

On motion of Mr Dent, the orders of the day were suspended.

Mr Buford presented the petition of sundry citizens of the county of Barbour, the reading of which was dispenses with, and on motion referred to the committee on the judiciary.

Mr Dent introduced a bill to be entitled, an act to enlarge the jurisdiction of the mayor of the city of Tuscaloosa, on the subject of slaves and free persons of color; which was read a first time: the constitutional rule being dispensed with, was read a second time, and referred to a select committee, consisting of Messrs Dent, McConnell, and Wilson of F.

Mr Phillips introduced a bill to be entitled, an act to change the time of holding the county courts of Dallas county; which was read and ordered to a second reading.

Mr McConnell offered the following preamble and resolution:

Whereas, economy in the management of the affairs of a nation, is at all times desirable: And whereas, the continuance of the Land Office at Mardisville, in the State of Alabama, is no longer justified by public convenience, or any other just public consideration, but involves the government in a useless expenditure of the public treasure: And whereas, it is highly desirable that a Land Office should be established in the Cherokee territory to the Coosa Land District, would not make a larger district than the Tallapoosa Land District:

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators and Representatives in Congress, be requested to use their best efforts to procure the removal of the Land Office at Mardisville, from its present location to some eligible place in the Cherokee territory.

Resolved, That his Excellency, the Governor of this State be requested to send a copy of this preamble and these resolutions to each of our Senators and Representatives in Congress.

Which was adopted.

Mr President laid before the Senate a communication of the Cashier of the Branch Bank, at Mobile, covering a statement of the accounts of the Directors of said Branch Bank.

On motion of Mr Hudson, it was referred to the committee on accounts and claims.

Mr Wilson of F. introduced a bill to be entitled, an act concerning elections for representatives to the Congress of the United States; which was read a first time, and the constitutional rule was dispensed with, and the bill read a second time.

On motion of Mr Wilson of F. it was referred to the committee on privileges and elections.

Mr Hudson asked and obtained leave of absence for Mr Lea, for an indefinite length of time.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bill of the following titles, to wit:

A bill to be entitled, an act making appropriations for the payment of certain claims against the State"

A bill to be entitled, an act to authorize the tax collector and the clerk of the county court of Tallapoosa county, to receive in payment of public dues, certain certificates therein names.

Mr Terry from the committee on the State Bank, to which was referred a

resolution instructing them to inquire into the expediency of winding up the Branch of the Bank of the State of Alabama, at Mobile, reported the same as inexpedient. In which the Senate concurred.

Mr Terry from the same committee, to which was referred a bill to be entitled, an act to dispense with protest and notice, in certain cases, reported the same to the Senate without amendment, or recommendation: the bill was placed among the orders of the day:

Mr Terry from the same committee, to which was referred an engrossed bill from the House of Representatives entitled, an act in relation to bonds given by officers of the Bank of the State of Alabama and its several Branches, reported the same to the Senate without amendment and recommended its passage.

The bill was then placed among the orders of the day.

Mr Terry from the same committee to which was referred a bill to be entitled an act concerning the duties of the president and directors of the State bank and Branches, reported the same to the Senate without amendment and recommended its passage.

The bill was placed among the orders of the day.

Mr Terry from the same committee to which was referred a bill to be entitled, an act to limit the indebtedness of all persons to the Bank of the State of Alabama and its several Branches, reported that it was inexpedient to pass the same.

The bill was then placed among the orders of the day.

Mr Cottrell offered the following resolution:

Resolved, That the Senate will meet hereafter at half past nine o'clock in the morning, and at half past three o'clock in the afternoon, until further ordered by the Senate.

On motion of Mr Terry it was laid upon the table.

Mr Alston from the committee on divorce and alimony, to which was referred a bill to be entitled, an act to divorce William G. Haun from his wife Catherine Haun, reported the same back to the Senate and recommended its passage: which was place among the orders of the day.

On motion of Mr Turner, the vote adopting the resolution of the House of Representatives proposing to go into the election of a President and six Directors for the Branch Bank at Montgomery, on Saturday the twenty-sixth instant, was reconsidered.

On motion of Mr Turner, the resolution was amended by striking out 'Saturday, the 26th,' and inserting in lieu thereof, 'Monday, 28th.'

The resolution as amended, was then adopted.

The Senate then resumed the consideration of the bill to be entitled an act to abolish and establish certain election precincts therein named.

Mr Hall moved to amend by an additional section: which was adopted.

Mr Jones offered an amendment as an additional section, which was adopted.

Mr Womack offered to amend the bill with an additional section: which was adopted.

Mr King offered to amend the bill with an additional section: which was adopted.

On motion of Mr Creagh, the constitutional rule was dispensed with, and the bill read a third time.

Mr Alston moved to lay it upon the table; which was lost.

Mr Alston offered the following amendment, by way of engrossed ryder, to

wit: 'And be it further enacted, That additional precincts be established in the county of Marengo, one at the house of Bailey Maness, and one at McKinley, in said county,' which was adopted.

The bill was then read the third time and passed. Ordered, that the title remain as aforesaid.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bills of the following titles, to wit:

An act to appoint a justice of the peace in the town of Troy, in the county of Pike:

An act explanatory of an act entitled an act for the extension of debts due the bank of the State of Alabama and its several branches, the issuance of post notes, and other purposes, approved Feb. 3, 1840:

An act to authorize the judge and commissioners of roads and revenue of Autauga county, to levy a tax:

An act to establish certain precincts therein named:

An act in relation to the sixteenth section, in township ten, of range five, in the county of Wilcox:

An act regulating the fees of bank attorneys, in collections from the purchasers of sixteenth sections:

An act to amend the charter of Tuscumbia, Courtland and Decatur rail road company, and for other purposes:

An act to authorize the judge of commissioners of roads and revenue of Russell county, to levy a tax for county purposes:

An act supplementary to the attachment laws of this State, authorizing attachments to issue on mortgages, deeds in trust, &c. in certain cases:

An act to change the time of holding the county court of the county of Tallapoosa:

Were severally read the third time and passed. Ordered, that their titled remain as aforesaid, and that they be sent to the House for their concurrence.

Engrossed bill from the House of Representatives to be entitled an act to extend the time for the collection of the county, school and road tax in the county of Mobile, for the year 1840, was read a second time, and the constitutional rule being dispensed with, the bill was read a third time and passed. Ordered, that the title remain as aforesaid, and that the House be acquainted therewith.

Engrossed bill from the House of Representatives, to be entitled an act to change the name of William Tell Dean, and for other purposes, was read a second time, and ordered to a third reading.

A bill to be entitled an act imposing certain duties on the Secretary of State, was read a third time.

Mr Hudson moved to fill the blank of said bill with two hundred and fifty dollars, which was lost:

Mr Wilson of F. moved to fill it with one hundred.

Mr Rice moved to fill with two hundred dollars, which was lost. Yeas 12 –Nays 19.

Those who voted in the affirmative, are messrs President, Clarke, Dent, Hudson, Jones, McConnell, McAllister, Rice, Smith, Thornton, Toulmin, and Turner.

Those who voted in the negative, are Messrs Alston, Andress, Buford, Creagh, Dailey, Farrar, Hall, King, Lloyd, McVay, Oliver, Phillips, Reese, , Ross, Terry, Watrous, Wilson of F. Wilson of J. and Womack.

Mr Rice then moved to fill the blank with one hundred and seventy five dollars; which prevailed.

The question was then put, shall the bill pass? Which was decided in the affirmative. Yeas 19–Nays 10.

Those who voted in the affirmative, are Messrs President, Alston, Clarke, Dent, Hudson, Jones, King, Lloyd, McAllister, Oliver, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Wilson of F. and Wilson of J.

Those who voted in the negative, are messrs Address, Creagh, Dailey, Far-rar, Hall, McConnell, McVay, Reese, Terry and Watrous.

Ordered, that the title remain as aforesaid. Ordered, that it be sent to the House of Representatives for its concurrence.

A bill to be entitled an act to authorize the emancipation of a certain slave therein named, was read a second time.

Mr Hudson moved to strike out so much of said bill as permits the slave to remain in the State.

Mr Terry moved to postpone the bill indefinitely; which was carried. Yeas 20–Nays 9.

Those who voted in the affirmative, are messrs President, Address, Buford, Clarke, Dent, Hudson, Jones, King, Lloyd, McAllister, McConnell, Phillips, Rice, Rodgers, Smith, Terry, Thornton, Turner, Wilson fo F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Creagh, Dailey, Far-rar, Hall, McVay, Reese, Ross, and Womack.

A bill to be entitled an act to incorporate the Coosa bridge company, passed in 1836, and an act amendatory of said act, passed in 1839, and 1840, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to alter the time of holding the spring term of the circuit court, in certain counties therein named, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act the better to preserve the records of the several courts in this State, was read a second time.

On motion of Mr Terry, the bill was amended by adding the words 'or additions thereto.' The bill was then ordered to be engrossed for a third reading.

Engrossed bill from the House of Representatives to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, and for other purposes, was read a second time, and on motion of Mr Hudson, postponed until half-past three o'clock, this evening.

A bill to be entitled an act to enlarge the discretion of the State bank and its several branches, in securing debts, and to authorize them to appoint bank marshals, if necessary, was read a second time.

Mr Phillips offered the following proviso, to come in at the end of the first section, to wit: 'and such bond shall not become void by reason of one or more recoveries, but the same may be put in suit and recovered on, as often as cause of section may arise,' and strike out the three last line of the seventh section: which was adopted.

Mr Alston moved to amend. by striking out all after the word 'more,' in the thirteenth line of the fifth section.

On motion of Mr Hall the bill was referred to a select committee consisting of messrs Hall, Toulmin and McConnell.

A bill to be entitled an act to repeal so much of the venue law of this

State as relates to criminal cases, was read a second time. Mr Terry moved to postpone it indefinitely ; and the yeas and nays demanded. Yeas 21–Nays 6.

Those who voted in the affirmative, are messrs President, Buford, Clarke, Creagh, Dailey, Dent Farrar, Hall, Lloyd, McAllister, McVay, Reese, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Those who voted in the negative are, Messrs Address, Hudson, Jones, King and Oliver.

The bill was postponed indefinitely.

Joint resolutions of the General Assembly of the State of Alabama in response to certain resolutions of the State of Maine in relation to the North-eastern boundary question were read; and the yeas and nays were demanded upon their adoption. Yeas 27–Nays 1.

YEAS,— Messrs President, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, King, Lloyd, McAllister, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack.

Mr Jones voted in the negative.

The resolutions were adopted.

Mr Dent moved to suspend the orders of the day; which was lost.

Mr Terry moved that the Senate adjourn—upon which motion Mr Hall demanded the yeas and nays. Yeas 10–Nays 19.

YEAS— Messrs Alston, Buford, King, McAllister, Rice, Smith, Terry, Thornton, Toulmin, and Turner.

NAYS— Messrs President, Address, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Watrous, and Womack.

The Senate refused to adjourn.

Engrossed bill from the House of Representatives to be entitled an act to form a company beat in the county of Marshall, and for other purposes, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Tipton male and female academy, was read a second time and ordered to a third reading.

Engrossed bill from the house of Representatives to be entitled an act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chatahoochie river, in the town of Irwinton, Barbour county, approved December 23d, 1837, was read a second time, and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act for locating the seat of justice of Washington county, and for other purposes, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the town of Eutaw, in Greene county, was read a second time and ordered to a third reading.

A bill to be entitled an act to dispense with protest and notice in certain cases, was read a second time—and on motion of Mr Phillips, referred to a select committee. Messrs Phillips, Terry, and Creagh, were appointed said committee.

Engrossed bill from the House of Representatives to be entitled an act in relation to bonds given by the officers of the Bank of the State of Alabama.

and its several Branches, was read a second time. The constitutional rule being dispensed with, the bill was read a third time, and passed. Ordered, that the title remain unchanged.

A bill to be entitled an act concerning the duties of the President and Directors of the State Bank and Branches, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to limit the indebtedness of all persons to the Bank of the State of Alabama and its several Branches, was read a second time, and on motion of Mr Jones laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to divorce William G. Haun from his wife Catharine Haun, was read a second time and ordered to a third reading—which finished the orders of the day.

On motion of Mr Smith the Senate adjourned.

WEDNESDAY, December 23d, 1840.

The Senate met pursuant to adjournment.

Mr Phillips from the committee on propositions and grievances, to whom was referred the memorial of Miss Mary McKerley and Sisters, accompanied with a specimen of silk, manufactured by themselves; also, a resolution of enquiry into the propriety of allowing the memorialists some boon as a reward for this specimen of industry and ingenuity, as well as the propriety of holding out some encouragement to others hereafter producing similar fabrics,—reported a joint resolution authorizing the Governor to cause gold medals to be made and presented to Miss Mary McKerley and Sisters; which was read a first time. On motion of Mr Phillips, the constitutional rule was dispensed with, the resolution read a second time, and ordered to be engrossed for a third reading.

Mr McVay from the committee on propositions and grievances, to which was referred a bill to be entitled an act to repeal in part an act approved December, 1837, entitled an act better to regulate the taxing of pedlers and shows, reported the same back to the Senate, as inexpedient to be passed. The bill was placed among the orders of the day.

Mr Hudson from the committee on accounts and claims, to whom was referred the claim of Alexander Sample, late sheriff of Autauga county, for services rendered and money expended in searching for and apprehending Daniel Coker, Jefferson Coker, and James Coker, charged with the murder of William P. Glover, reported the same back to the Senate, as not being authenticated in that way so as to satisfy your committee that it is properly a State charge; they therefore ask leave to be discharged from the further consideration thereof. On motion of Mr Hall the account was recommitted to the committee on accounts and claims.

Mr Hudson from the same committee, to whom was referred the claim of P.S. Richardson for medical services to Echee Hadjo, an Indian, confined in the jail of Chambers county, reported the same back to the Senate as not being in their opinion a State charge; they therefore ask leave to be discharged from its further consideration. In which the Senate concurred.

Mr Phillips from the committee on privileges and elections, to whom was referred a special message of his Excellency the Governor on the subject of providing by law for a special election of members of Congress, reported a bill for that purpose; and recommended its passage.

A bill to be entitled an act to authorize the Governor to order a special election for Representatives to the Congress of the United States in a certain contingency, was read a first time.

On motion of Mr Phillips, the constitutional rule was dispensed with; the bill read a second time forthwith, and ordered to be engrossed for a third reading.

Mr Hall from the select committee to which was referred a bill to be entitled, an act to enlarge the discretion of the Directors of the State Bank and its several Branches in securing debts, and to authorize them to appoint Bank marshals, if necessary, reported the same back to the Senate and recommended its passage. The bill was then placed among the orders of the day.

Mr Dent from the select committee to which was referred a bill to be entitled an act to enlarge the jurisdiction of the mayor of the city of Tuscaloosa in the management of slaves and free persons of color, reported the same back to the Senate and recommended its passage, which was placed among the orders of the day.

Mr Dent from the select committee to whom was referred a bill to be entitled, an act to prevent persons from establishing negro quarters without keeping some white person on the premises, reported the same back to the Senate with the following amendment, to wit: strike out the word "bill" where it occurs in the third line from the bottom, and insert the word "act" in lieu thereof, and thus amended, recommended its passage. The amendment was adopted, the bill was read a second time, and on motion of Mr McConnell referred to a select committee. Messrs McConnel, Rice and Terry were appointed said committee.

Mr King from the select committee to whom was referred a bill from the House of Representatives, to be entitled an act to alter the mode of collecting the tax in the county of Pickens, reported the same back to the Senate amended as therein shewn, and recommended its passage. The amendments reported by the committee were adopted, and the bill read a second time.

On motion of Mr King, the constitutional rule was dispensed with, the bill read a third time and passed.

Ordered, that its title remain as aforesaid, and that it be sent to the House for their concurrence.

On motion of Mr Terry,

Resolved, by the Senate, with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House this day, 23d December, at 4 o'clock, p.m. for the purpose of electing a President and six Directors for the Branch of the Bank of the State of Alabama, at Mobile.

Mr Dent offered the following resolution:

Resolved, that with the concurrence of the House of Representatives, the two house will assemble in the Representatives Hall on Wednesday evening next, the 24th inst. at 7 o'clock p.m. for the purpose of electing a President and six Directors for the Bank of the State of Alabama.

On motion of mr Hall the resolution was amended by striking out the words 'Wednesday, 24th' and '7,' and inserting in lieu thereof, 'Monday 28th' and '4.'

The question then recurred on the adoption of the resolution—which prevailed.

Mr Reese introduced a bill to be entitled an act to compensate James

Thompson for public services, which was read and ordered to a second reading.

Mr Thornton from the committee on the judiciary, to which was referred the petition of sundry citizens of Franklin county, to have refunded to them certain money alledged to have been paid by them under judgment in favor of the University of Alabama, on the grounds chiefly, that the same was paid under an ignorance of the law as it was afterwards settled by the Supreme Court of State ; and that they have failed in actions at law to recover back the same on account of the application of legal principles of their demands, reported to the Senate that the allegations contained in the petition, if true present a case of hardship; but as the case is one which involves no legal question, and is an appeal merely to the generosity of the Legislature, they direct me to return the petition for such instructions as the Senate may see cause to give in relation to the introduction of a bill, or to be discharged from the further consideration of the matter.

On motion of Mr Terry, the report was ordered to lie upon the table.

Mr Thornton from the same committee, to which was referred a bill to be entitled, an act to alter and amend the laws in relation to bills of exchange and promissory notes, returned the bill without amendment, and reported it inexpedient. The bill was placed among the orders of the day.

The judiciary committee to which was referred a bill to be entitled an act to incorporate the Stockton steamboat and warehouse company, reported the following amendment, to wit: "And provided further, that the Legislature may repeal this act, if thought advisable, after ten years from the passage thereof."

The amendment was adopted, and the bill read a second time, and ordered to be engrossed for a third reading.

Message from the House of Representatives, by Mr Phelan:

Mr President— The House of Representatives has concurred in the amendment made by the Senate to the bill to amend an act entitled an act to incorporate the Fireman's Insurance Company of Mobile.

The House recedes from its disagreement to the amendment made by the Senate to the bill to authorize Henry Hunter to erect a toll gate, or gates, upon that part of the public road, which runs through his land, &c.

The House has also adopted the following resolution:

Resolved, That the Senate be respectfully requested to transmit to the House of Representatives, the report of the commissioners of the Coosa river.

Which resolution was concurred in by the Senate.

Mr Thornton from the judiciary committee, to which was referred a bill to be entitled an act limiting the application of an act entitled an act abolishing imprisonment for debt, reported the same back to the Senate as inexpedient to be passed. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred an act for the relief of Francis Augustine De Malempre, reported the same back to the Senate; which was placed among the orders of the day.

Mr Thornton, from the same committee, to which was referred a bill to be entitled an act to authorize summary proceedings against sheriffs in certain cases, reported the same back to the Senate as inexpedient to be passed. The bill was placed among the orders of the day.

On motion of Mr Buford, the report of the committee on Indian expenditures in relation to the account of Buford and Johnson, assignees of Wm. Y. Pryer, was taken from the table.

The question was then upon concurring in the report of the committee, which was carried.

Mr Rodgers asked leave of absence for Mr Wilson of F. until Monday next, which was granted.

Mr Phillips from the select committee, to whom was referred a bill to be entitled an act to dispense with notice and protest in certain cases, reported the same back to the Senate amended as therein shewn, and recommended its passage. The amendment reported by the committee was adopted by the Senate, the bill was then read a second time and ordered to be engrossed for a third reading.

Mr Buford asked leave to withdraw the account of Buford and Johnson, and accompanying documents, which was granted.

Mr Phillips from the special committee, to whom was referred a bill to be entitled an act to incorporate and extend the powers of the Alabama medical society, reported the same back to the Senate and recommended its passage; which was placed among the orders of the day.

Mr Hall presented the account of W. L. & B. C. Yancey, which was referred to the committee on accounts.

Mr Creagh presented the petition of sundry citizens of the county of Washington, the reading of which was dispensed with, and on motion referred to the committee on education.

Mr Dent from the select committee to which was referred a bill to be entitled an act to repeal that part of the military law which requires brigade encampment drills, and for other additional section, which was adopted. the bill was then read a second time.

Mr King offered the following proviso to the amendment, to wit: "Provided, the provisions of this section shall not extend to the thirty-fourth and fifty-ninth regiments, fifth brigade, and second division;" which was lost.

Mr Creagh moved the indefinite postponement of the bill, which was lost. Yeas 6— Nays 21.

Those who voted in the affirmative are, Messrs President, Alston, Andress, Creagh, Dailey and Reese.

Those who voted in the negative are, Messrs Buford, Clarke, Dent, Farrar, hall, Hudson, Jones, King, Lloyd, McAllister, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Thornton, and Wilson of J.

Mr Hudson moved to dispense with the constitutional rule, with a view of giving the bill a third reading forthwith, which was lost. The bill was then ordered to a third reading.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill from the House of Representatives to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, and for other purposes, which was the special order, was read a second time.

Mr Wilson of J. moved to postpone indefinitely, which was lost. Yeas 12— Nays 15.

Those who voted in the affirmative, are Messrs President, Buford, Clarke,

Creagh Dailey, Dent, Farrar, McVay, Oliver, Smith, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Hudson, Jones, Lloyd, McAllister, McConnell, Phillips, Reese, Rice, Rodgers, Ross, Terry, Thornton, and Toulmin.

Mr McConnell called for the previous question, upon which the yeas and nays were demanded. Yeas 13– Nays 13.

Those who voted in the affirmative, are Messrs President, Buford, Clarke, Dailey, Dent, Hudson, Lloyd, McConnell, McVay, Oliver, Phillips, Reese, and Rice.

Those who voted in the negative, are Messrs Creagh, Farrar, Jones, King, McAllister, Rodgers, Ross, Smith, Terry, Toulmin, Turner and Wilson of J.

Mr Wilson of J. moved to strike out the third section, which was carried. Yeas 25–Nays 2.

Those who voted in the affirmative, are Messrs President, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Jones, king, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Hudson, and Lloyd.

Mr Turner moved to refer the bill to a select committee, which was carried. Yeas 17– nays 12.

Those who voted in the affirmative, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dent, Farrar, hall, McAllister, McVay, Oliver, Smith, Terry, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are Messrs Dailey, Hudson, Jones, King, Lloyd, McConnell, Phillips, Reese, Rice, Rodgers, Ross, and Thornton.

Messrs Turner, McConnell and Thornton, were placed on the said committee.

Engrossed bill to be entitled an act making appropriations for the payment of the members of the General Assembly and the officers of the two houses, was read a third time.

Mr McConnell moved to lay the bill upon the table, and demanded the yeas and nays. Yeas 2– Nays 26.

Those who voted in the affirmative, are Messrs Dailey and McConnell.

Those who voted in the negative, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Lloyd, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner and Wilson of J.

The motion was lost.

Mr McConnell moved to postpone the bill indefinitely, and called for the yeas and nays. Yeas 1– Nays 26.

Mr McConnell voted in the affirmative.

Those who voted in the negative, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McVay, Oliver, Phillips, Rice Rodgers, Ross, Smith, Terry, Thornton, Toulmin, turner and Wilson of J.

The motion failed.

The bill was then passed. Ordered, that its title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

On motion of Mr King, the Senate adjourned.

THURSDAY, December 24, 1840.

The Senate met pursuant to adjournment.

Mr Toulmin presented a petition from the President and Directors of the Bank of Mobile, the reading of which was dispensed with, and on motion referred to the committee on the State Bank.

Mr McAllister from the committee on Indian expenditures to which was referred the account of John A. Campbell, reported the same as inexpedient and asked to be discharged from the further consideration thereof. The committee were discharged.

On motion of Mr McConnell, the account was referred to a select committee. Messrs McConnell, Phillips and Dent, were appointed on the committee.

Mr McAllister from the same committee, to whom was referred a bill for the relief of Spartan Allen, reported the same to the Senate as inexpedient. The bill was placed among the orders of the day.

Mr McAllister from the same committee, to which was referred a bill for the relief of Jethro D. Conway, reported the same to the Senate as inexpedient. The bill was placed among the orders of the day.

Mr Thornton introduced a bill to be entitled an act for the relief of the Greensborough light artillery guards, which was read and ordered to a second reading.

Mr Cottrell introduced a bill to be entitled an act changing the names of Caroline Crow, and others; and making them heirs of George Pylant, of Lowndes county; which was read the first time, the constitutional rule being dispensed with, was read a second time, and on motion of Mr Cottrell, the constitutional rule was further dispensed with, and the bill read a third time forthwith, and passed the Senate. Ordered, that its title remain as aforesaid.

Ordered, that it be sent to the House of Representatives for its concurrence.

Mr Cottrell introduced a bill to be entitled an act prescribing the duties of assessors and tax collectors; which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and on motion of Mr Clarke, referred to the judiciary committee.

Engrossed bill to be entitled an act to dispense with protest and notice in certain cases, was read a third time and passed. Ordered, that the title remain as aforesaid, and that the same be sent to the House of Representatives for its concurrence.

Engrossed bills of the following titles, to wit:

An act to amend an act entitled an act to incorporate the Coosa, passed in 1836; and, an act amendatory of said act, passed in 1839 and '40:

An act the better to preserve the records of the several courts in this State:

Were each read a third time and passed. Ordered that their titles remain as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties:

An act to provide for the election of sheriffs, in certain cases:

An act to form a company beat in the county of Marshall, and for other purposes:

An act to incorporate the Tipton male and female academy:

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochie river, in the town of Irwinton, Barbour county, approved, December 23, 1837.

An act to incorporate the town of Eutaw in Green county:

Were severally read a third time and passed. Ordered, that their titles remain as aforesaid.

Ordered, that the House of Representatives be acquainted therewith.

Engrossed bill to be entitled an act to change the times of holding the county courts of Dallas county, was read a second time, and the constitutional rule being dispensed with, the bill was read a third time and passed. Ordered, that its title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill from the House of Representatives to be entitled an act to change the name of William Tell dean, and for other purposes, was read a third time and passed. Ordered, that its title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bill to be entitled an act imposing certain duties on the Secretary of State, was read a third time, and the question was, 'shall the bill pass?' which was decided in the affirmative. Yeas 15–Nays 11.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Clarke, Dent, King, McAllister, McConnell, rice, Ross, Smith, Thornton, Toulmin, Wilson of J. and Womack.

Those who voted in the negative, are Messrs Creagh, Dailey, Farrar, Hall, Lloyd, McVay, Phillips, Reese, Rodgers, Terry and Watrous.

Ordered, that the title of the bill remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to alter the time of holding the spring term of the circuit court in certain counties therein named, was read a third time and on motion of Mr Reese, referred to a select committee: Whereupon, Messrs Reese, Dailey and Buford, were appointed said committee.

Engrossed bill from the House of Representatives to be entitled an act for locating the seat of justice for Washington county, and for other purposes, was read a third time, and on motion of Mr Creagh, ordered to lie upon the table.

Engrossed bill to be entitled an act concerning the duties of the President and Directors of the State Bank and Branches, was read a third time and passed. Yeas 25– Nays 1.

Those who voted in the affirmative, are Messrs President, Alston, Andress, Clarke, Creagh, Dailey, Dent, Farrar, Hall, King, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Rice, Ross, Smith, Terry, Thornton, Toulmin, Wilson of J. Watrous and Womack.

Mr Rodgers voted in the negative.

Ordered, that the title of the bill remain unchanged.

Ordered, that it be sent to the House of Representatives for their concurrence.

Engrossed bill from the House of Representatives to be entitled an act to divorce William G. Haun from his wife Catharine Haun, was read a third time and passed by yeas and nays. yeas 21– Nays 5.

Those who voted in the affirmative, are Messrs President, Alston, Clarke, Farrar, Hall, King, Lloyd, McAllister, McConnell, McVay, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Watrous, Wilson of J. and Womack.

Those who voted in the negative, are Messrs Address, Creagh, Dailey, Dent, and Reese.

Ordered, that the title of the bill remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled an act to repeal in part an act, approved, December 23, 1837, entitled an act better to regulate the taxing of pedlers and shows, was read a second time, and on motion of Mr Phillips, indefinitely postponed. yeas 17– Nays 10. The yeas and nays being desired.

Those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Dailey, Dent, Hudson, Lloyd, McAllister, McVay, Phillips, Ross, Terry, Thornton, Turner, Watrous and Womack.

Those who voted in the negative, are Messrs Alston, Farrar, Hall, McConnell, Reese, Rice, Rodgers, Smith, Toulmin and Wilson of J.

A bill to be entitled an act to enlarge the discretion of the State Bank and its several Branches in securing debts, and to authorize them to appointed Bank marshalls, if necessary, was read a second time.

The question being on the adoption of the amendment heretofore offered by Mr Alston to said bill.

Mr Reese moved its reference to the judiciary committee, with the following instructions, tow it: that they inquire if it be consistent with the constitution of the State, to appointed in the State, an officer whose duty is identical with that of the sheriffs of the different counties; which was carried. Yeas 13– Nays 12. The yeas and nays being desired.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dailey, Farrar, King, McAllister, McVay, Reese, Rodgers, Thornton, Watrous and Wilson of J.

Those who voted in the negative, are Messrs Address, Dent, Hudson, hall, Lloyd, Phillips, Rice, Ross, Smith, Terry, Toulmin and Turner.

Message from the House of Representatives by Mr Phelan:

Mr President– The House of Representatives has passed bills of the following titles:

An act to organize and establish patrol laws in the county of Baldwin:

An act for the benefit of Robert Mitchell:

In which the concurrence of the Senate is requested.

An act authorizing the commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy:

The House has concurred in the amendment made by the Senate to their resolution proposing to go into the election of a President and six Directors for the Montgomery Bank, on Tuesday, 22d inst.

Engrossed bill from the House of Representatives to be entitled an act for the relief of Robert Mitchell, was read a first time, and the constitutional rule being dispensed it, was read a second time, and on motion of Mr Terry, referred to the committee on accounts and claims.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to authorize the commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy:

An act to organize and establish patrol laws for the county of Baldwin:

Were read and ordered to a second reading.

A bill to be entitled an act to enlarge the jurisdiction of the Mayor of the city of Tuscaloosa, on the subject of slaves and free persons of color, was read a second time, and on motion of Mr Turner, amended by inserting the word 'seal' words 'of contract.' The bill was then ordered to be engrossed for a third reading.

A bill to be entitled an act to alter and amend the law in relation to bills of exchange and promissory notes, was read a second time, and on motion of Mr Phillips, was ordered to lie upon the table.

A bill to be entitled an act for the relief of Francis Augustus De Malempre, was read a second time, and on motion of Mr Hudson, was ordered to lie upon the table.

A bill to be entitled an act limiting the application of an act entitled an act to abolish imprisonment for debt, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize summary proceedings against sheriffs in certain cases therein mentioned, was read a second time, and the Senate refused to order it to a third reading.

A bill to be entitled an act to incorporate and extend the power of the Alabama Medical Society, was read a second time, and ordered to be engrossed for a third reading.

Engrossed joint resolutions authorizing the Governor to cause gold medals to be made and presented to Miss Mary McKerley and sisters, was read a third time and passed. The Senate ordered that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act authorizing the Governor to order a special election for representatives to the Congress of the United States, in a certain contingency, was read a third time.

On motion of Mr Phillips, the blank, in the bill was filled with the word 'thirty;' and the question was then put, 'shall the bill pass?' which prevailed. Ordered, that its title remain unchanged, and that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to alter the mode of assessing and collecting the tax for the county of Pickens and for other purposes, was read a third time and passed. Ordered, that its title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to incorporate the Stockton steamboat and warehouse company, was read a third time.

Mr Hudson offered an amendment by way of engrossed rider, to wit: 'Provided, nothing in this act shall be so construed as to authorize banking powers; which was adopted.

The bill was then passed. Ordered, that its title remain unchanged.

A bill to be entitled an act to compensate James Thompson for public services, was read a second time, and on motion of Mr Reese, referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives to be entitled an act to repeal that part of the militia law which requires brigade encampment drills, and for other purposes, was read a third time.

Mr Creagh offered an amendment as an additional section, to wit:

Be it further enacted, That the provisions of the foregoing act, shall not take effect or be in force until the first day of January, 1842; which was lost.

The yeas and nays were demanded upon the passage of the bill. Yeas 22--
Nays 6.

Those who voted in the affirmative, are Messrs Andress, Clarke, Farrar, Hall, Hudson, King, Lloyd, McAllister, McVay, Oliver, Phillips, Reese, Rice, Ross, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Alston, Creagh, Dailey, Dent and Watrous.

The bill was passed. Ordered, that its title remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

The bill for the relief of Spartan Allen, was read a second time, and ordered to be engrossed or a third reading.

The bill to be entitled an act for the relief of Jethro D. Conway, was read a second time and ordered to be engrossed for a third reading; which finished the orders of the day.

Mr Hudson, from the committee on accounts and claims, to which was referred the certified accounts of the Directors of the Branch of the Bank of the State of Alabama at Decatur, and of the branch bank at Mobile, reported a bill allowing the same, entitled an act for the payment of the Directors of the Bank of the State of Alabama and its several branches, for the year 1840; which was read and ordered to a second reading.

Mr Hudson, from the same committee, to which was referred the claims of sundry persons against the State, reported a bill making appropriations for the payment of the same as therein shewn; which was read a first time. On motion of Mr Hudson, the constitutional rule requiring bills to be read on three several days, was dispensed with, and the bill was read a second time forthwith, and ordered to be engrossed for a third reading.

On motion of Mr Terry, the vote was reconsidered refering an engrossed bill from the House of Representatives, entitled an at for the benefit of Robert Mitchell.

Mr Terry then withdrew the motion to refer.

Mc McVay offered an amendment, to wit: 'it being half the assessed value of said slave, which was executed in pursuance of law;' which was adopted.

The bill was then read a second time, and on motion of Mr Reese, the constitutional rule was dispensed with, and the bill read a third time and passed. Ordered, that its title remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

Mr Oliver introduced a bill to be entitled an act to change the name of Jesse Borett, and for other purposes, which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and on motion of Mr Oliver, referred to the committee on propositions and grievances.

On motion of Mr Wilson of J. a bill was ordered to be taken from the table entitled an act for the relief of the Florence bridge company. The question was upon filling the blank with 'four,' which was lost.

On motion of Mr Clarke, the bill was laid upon the table.

Mr Dent moved that when the Senate adjourn, it will adjourn until Saturday morning ten o'clock.

Mr King moved to amend the motion by moving that the Senate will adjourn until Monday ten o'clock, A. M. upon which the yeas and nays were demanded. Yeas 6--Nays 22.

Those who voted in the affirmative, are Messrs Address, King, Reese, Rice, Thornton and Watrous.

Those who voted in the negative, are Messrs President, Alston, Clarke, Creagh, Dailey, Dent, Farrar, Hall, Hudson, Lloyd, McAllister, McVay, Oliver, Phillips, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of J. and Womack.

The motion failed.

The question then recurred upon the motion to adjourn until Saturday, and the yeas and nays were demanded. yeas 11– Nays 17.

Those who voted in the affirmative, are Messrs President, Clarke, Dent, Farrar, Lloyd, Reese, Rodgers, Smith, Terry, Thornton and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Creagh, Dailey, Hall, Hudson, King, McAllister, McVay, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Watrous and Womack.

The motion failed.

Mr Phillips moved to reconsider the vote refusing to adjourn until Saturday morning, upon which the yeas and nays were demanded. Yeas 17–Nays 11.

Those who voted in the affirmative, are Messrs President, Clarke, Farrar, Hall, Lloyd, McAllister, McVay, Oliver, Phillips, Rice, Rodgers, Smith, Terry, Thornton, Toulmin Watrous and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Creagh, Dailey, Dent, Hudson, King, Reese, Ross, Turner and Womack.

The motion prevailed.

Mr Turner moved to reconsider the vote to adjourn until Monday morning next, and the yeas and nays were demanded. Yeas 12– Nays 15.

Those who voted in the affirmative, are Messrs Dent, Hall, King, Reese, Rice, Rodgers, Terry, Thornton, Turner, Watrous, Wilson of J. and Womack.

Those who voted in the negative, are President, Alston, Address, Clarke, Creagh, Dailey, Farrar, Hudson, Lloyd, McAllister, McVay, Oliver, Ross, Smith and Toulmin.

The motion was lost.

The question then recurred upon the motion to adjourn until Saturday morning, and the yeas and nays were demanded. yeas 19– Nays 9.

Those who voted in the affirmative, are Messrs President, Address, Clarke, Dent, Farrar, Hall, Lloyd, McAllister, McVay, Oliver, Phillips, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Watrous and Wilson of J.

Those who voted in the negative, are Messrs Alston, Creagh, Dailey, Hudson, King, Reese, Ross, Turner and Womack.

The motion, that when the Senate adjourn, it will adjourn until Saturday morning ten o'clock, prevailed.

Mr Dailey offered the following resolution:

Resolved, That the committee on divorce and alimony be requested to inquire into the propriety of releasing both parties (except in certain cases) where divorces are granted, and giving then the privileges to many again, and that they report by bill or otherwise.

Which was lost.

On motion of Mr Terry the Senate then adjourned.

SATURDAY, Dec. 26, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate a document in relation to the contested election from Sumter county, the reading of which was dispensed with, and on motion of Mr Dent, laid upon the table.

Mr Hudson presented the account of Joel White, which was referred to the committee on accounts and claims.

Mr Dent presented the account of J. J. foster, which was referred to the committee on accounts and claims.

Mr Wilson of J. presented the petition of sundry citizens of Jackson county, the reading of which was dispensed with, and on motion, referred to the committee on education.

Mr Hudson from the committee on accounts and claims, to whom was referred a bill to be entitled an act to compensate James Thompson for public services, together with the petition of said Thompson, and the accompanying documents, reported a substitute for said bill, which they respectfully recommend to the consideration of the Senate. On motion of Mr Hudson, the bill and report was laid upon the table.

Mr Hudson from the same committee, to which was recommitted the claim of Alexander Sample, late sheriff of Autauga county, for services rendered and money expended in searching for and apprehending Daniel Coaker, Jefferson Coaker and James Coaker, charged with the murder of William P. Glover, reported the same back to the Senate as not being so made out and authenticated as to satisfy your committee that said claim is a State charged, and for the indefinite manner in which said account was made out, the committee were of opinion that it ought not to be allowed, and respectfully ask to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Phillips introduced a bill to be entitled an act for the relief of Matthew D. Thompson, which was read and ordered to a second reading.

Mr Buford introduced a bill to be entitled an act to alter the time of holding the county court of Barbour county, which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, the rule was further dispensed with, the bill read a third time and passed. Ordered, that the title remain as foresaid, and that it be sent to the House of Representatives for their concurrence.

Mr Toulmin introduced a bill to be entitled an act to establish a road court in the county of Mobile, which was read a first time, the constitutional rule being dispensed with, the bill was read a second time, and ordered to be engrossed for a third reading.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act for the relief of the Greesborough Light Artillary Guards, which was read a second time, and ordered to be engrossed for a third reading.

Engrossed bill from the House of Representatives, to be entitled an act to authorize the commissioners of township sixteen, range seventeen of Montgomery county, to erect a suitable building for an academy, was read a second time and ordered to a third reading.

Engrossed bill from the House of Representatives, to be entitled an act to organize and establish patrol laws for the county of Baldwin, was read a second time, and the constitutional rule being dispensed with, the bill was read the third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bills of the following titles, to wit:

An act to incorporate and extend the powers of the Alabama medical society:

An act limiting the application of an act, entitled an act to abolish imprisonment for debt:

An act to enlarge the jurisdiction of the mayor of the city of Tuscaloosa on the management of slaves and free persons of color:

An act exempting the citizens of the within named townships of Autauga county from the operation of the sixteenth section laws passed at the session of 1839-'40:

Were severally read a third and passed. Ordered, that their titles remain as aforesaid, and that they be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled, an act for the relief of Spartan Allen, was read a third time.

On motion of Mr Clarke, the blank was filled with 'one hundred and fifty:' the question was then put 'shall the bill pass?' which was decided in the affirmative. Yeas 13– Nays 12.

Those who voted in the affirmative, are Messrs President, Address, Clarke, Creagh, Hudson, Hall, King, McAllister, McConnell, Rice, Toulmin, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Dailey, Dent, Farrar, Lloyd, McVay, Oliver, Rodgers, Ross, Terry, Thornton, And Watrous.

Ordered, that the title of the bill remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled, an act for the relief of Jethro D. Conway, was read a third time and lost. Yeas 10– Nays 11.

Those who voted in the affirmative, are Messrs Clarke, Creagh, Hudson, King, McAllister, McConnell, Rice, Rodgers, Toulmin, and Turner.

Those who voted in the negative, are Messrs President, Alston, Address, Dailey, Dent, Farrar, Hall, Lloyd, McVay, Oliver, Ross, Terry, and Watrous.

A bill to be entitled, an act for the payment of the Directors of the Bank of the State of Alabama and its several Branches for the year 1840, was read a second time, and recommitted to the committee on accounts and claims on the motion of Mr Hudson.

Mr Turner moved to reconsider the vote taken on ordering a bill to be entitled, an act making appropriations for the payment of certain claims against the State, to be engrossed for a third reading; which was carried.

Mr hall moved to amend the bill by striking out the word 'three' where it occurs between the words 'of' and 'Dollars' in the account of A. R. Thomas for services rendered the State in taking care of the Capitol; which was lost. Yeas 11– Nays 13.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hall, McConnell, Terry, Toulmin, Turner, and Wilson of J.

Those who voted in the negative, are Messrs Alston, Address, Dent, Hudson, King, Lloyd, McAllister, Oliver, Rice, Rodgers, Ross, Smith, and Thornton.

Mr Hall moved to refer the bill to a select committee; which was lost.

The bill was then ordered to be engrossed for a third reading.

Message from the House of Representatives has concurred in the amendment made by the Senate to the bill to abolish and establish certain election precincts therein named.

The House has also adopted the joint resolutions of the General Assembly of the State of Alabama, in response the certain resolutions of the State of Maine in relation to the Northeastern Boundary question; which originated in the Senate.

Mr Smith presented the account of Burke & Lowery : the reading of which was dispensed with, and referred to the committee on Indian expenditures.

Mr Wilson presented the petition of sundry citizens of Jackson county, the' reading of which was dispensed with, and referred to the committee on education

Mr Terry introduced a bill to be entitled, an act concerning county court judges; which was read a first time.

Mr Terry moved to dispense with the constitutional rule; which was lost.

The bill was then ordered to a second reading.

Mr Smith introduced a joint resolution in relation to defining the lines of Cherokee county; which was read a first time.

Mr Clarke moved to lay the resolution on the table; which was lost.

The resolution was then ordered to second reading.

Mr Dent introduced a bill to be entitled, an act to attach a part of the county of Fayette to the county of Tuscaloosa; which was read a first time, and ordered to a second reading.

Mr Dent introduced a bill to be entitled, an act to change the name of James H. Nichols to that of James A. Alston; which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and ordered to be engrossed and read a time.

Mr Dent presented the account of Augustin Lynch; which was referred to the committee on accounts and claims.

Mr Thornton from the committee on the judiciary, to which was referred a bill to be entitled, an act to secure the fees of certain officers in the county of Mobile, reported the same back to the Senate and recommended its passage.

The bill was ordered to be engrossed for its third reading.

Mr Thornton from the same committee to which was referred a bill to be entitled, an act to amend the charter of the city of Mobile, reported the same back to the Senate with the following amendment to come in at the end of the second section:

Provided, however, That no persons shall be eligible to hold any office under the said corporation, or to vote for any officer at any election in said city, unless he be a citizen of the United States, and have resided in said city, at least, one year previous to said election.

The amendment was adopted, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr Turner offered the following resolution.

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on Tuesday the twenty-ninth instant, at four o'clock, P. M. to elect a President and six Directors for the Branch of the Bank of the State of Alabama, at Huntsville.

On motion of Mr Rodgers, the resolution was amended by adding a President and six Directors for the Branch Bank, at Decatur: and thus amended, the resolution was adopted.

Mr McVay from the committee on propositions and grievances to which was referred a bill to be entitled, an act to change the name of Ivey Boiett of the county of Montgomery county, reported the same back to the Senate without comment, and asked leave to be discharged from the further consideration there

of, the committee was discharged and the bill placed among the orders of the day.

Mr Alston offered the following preamble and resolutions.

Whereas the credit of the State of Alabama has been pledged for the ultimate redemption any payment of all notes issued by the Branch of the Bank of the State of Alabama, at Mobile, and all debts contracted by said Branch: and as any loss accruing to the State, in the management of said Branch, must be sustained, principally, by the great agricultural interest of this State; and as the condition of said Branch clearly manifests the incompatibility of the present system, with the purposes and objects of commerce.

Be it therefore resolved, That a committee be appointed to be composed of the Senators from the counties of Marengo, Greene, Tuscaloosa, Clarke, Mobile, Monroe, and Wilcox, to inquire into the propriety and expediency of removing the said Branch Bank from Mobile.

Be it further resolved, That the said committee also inquire into the expediency of transferring to the Merchants' and Planters's Bank of Mobile, such an amount of the stock of said Branch, as may enable the State to hold two-fifths of the stock of said Merchants' and Planters's Bank.

And be it further resolved, That the same committee inquire into the expediency of removing a portion of the stock of said Branch Bank to Demopolis, in the county of Marengo, for the purpose of establishing there, an office of discount and deposite, and that said committee be instructed to report by bill or otherwise.

Mr Creagh moved to add the Senators from the counties of Limestone, Henry, and Madison, to said committee.

On motion of Mr Hall, the preamble and resolutions were laid upon the table.

Mr Alston introduced a bill to be entitled, an act to establish an office of discount and deposite, at the town of Demopolis, in Marengo county; which was read and ordered to a second reading.

On motion of Mr Cottrell.

Resolved, That the committee on the State Bank, be, and they are hereby instructed to collect and make out in one condensed statement, the indebtedness and liabilities of the members of the present General Assembly to the State Bank and the several Branches thereof: and also, the liabilities of the President and Directors of the said Bank and each Branch, to said Bank and each Branch Bank thereof, made out in like form; and that the said statement shall show the liabilities to said Bank and each Branch thereof, and that they report the same to the Senate.

On motion of Mr Rice, the Senate then adjourned.

MONDAY, December 28, 1840.

The Senate met pursuant to adjournment.

Mr Hudson presented the accounts of the members of the Board of Directors of the Bank of the State of Alabama, which was referred to the committee on accounts and claims.

Mr Hudson presented the account of M. D. J. Slade; which was referred to the committee on accounts and claims.

Mr Wilson of J. presented the petition of sundry citizens of Jackson county in relation to the sixteenth section, of township—, of range four, east, the reading of which was dispensed with, and on motion, referred to the committee on education.

Mr Oliver presented the account of David Hayden, jailor of Montgomery county; which was referred to the committee on accounts and claims.

Mr Hall presented the petition of Condes R. Carter of Autauga county, the reading of which was dispensed with, and on motion, referred to the committee on the judiciary.

Mr Terry from the State Bank committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law to authorize the president and directors of the branch of the bank of the State of Alabama at Decatur, to burn two hundred thousand dollars of post notes, which have been redeemed and cancelled in the city of New York, and duly registered by said branch bank, reported a joint resolution of the Senate and House of Representatives authorizing the president and directors of the State Bank and several branches thereof, to burn the amount of post notes which they have issued, or may hereafter issue, & c; which was read the first time. On motion of Mr Terry, the constitutional rule requiring bills and joint resolutions to be read on three several days was dispensed with, and the resolution was read a second time, and ordered to be engrossed for a third reading.

Mr Terry from the same committee, to which was referred a resolution instructing them to inquire into the expediency of increasing the pay of presidents, cashiers, tellers and bank attorneys of the Bank of the State of Alabama and its several Branches, and for the appointment of Bank marshals, reported a bill to be entitled an act to regulate the salaries of the president, cashier, teller and Bank attorney of the Bank of the State of Alabama and its several Branches, and for other purposes; which was read a first time. Mr Terry moved to dispense with the constitutional rule requiring bills to be read on three several days; which was lost. The bill was then ordered to a second reading.

Mr Terry from the same committee, to which was referred a bill to be entitled an act to alter the mode of electing the president and directors of the State Bank and its several Branches, reported the same back to the Senate, and recommended its passage. The bill was placed among the orders of the day.

Mr Rice from the committee on education, to which was referred a bill to be entitled an act to incorporate the Sylvania male and female academy, in the county of Limestone, reported the same back to the Senate, without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Thornton from the judiciary committee, to which was referred a bill for the relief of Unicy Windham, reported the same back to the Senate with the expression of their opinion, that it was inexpedient to pass the same. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act for the benefit of J. Henri Hottinguer, reported the same back to the Senate without amendment. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law requiring the President and Directors of the Bank of the State of Alabama and the several Branch Banks, to sue on all bills of exchange at the first time of the court after the bill falls due and remains unpaid, reported that it is not expedient to pass a law to that effect. In which the Senate concurred.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act prescribing the duties of assessors and tax collectors, reported the same to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to enlarge the discretion of the Directors of the State Bank and its several Branches, in securing debts, and to authorize them to appoint Bank marshals, if necessary; with a resolution instructing them to inquire if it be consistent with the constitution, to appoint in the State an officer, whose duty is identical with that of the sheriffs of the different counties; reported that the appointment of Bank marshals, as provided for in the bill, is not a violation of the constitution of the State, as they humbly conceive. The office of sheriff is created by the constitution, but his duties and compensation are not defined therein; his functions and fees are prescribed by statute, and they may be multiplied or diminished, or transferred to other officers, as public policy may require; which has heretofore been done by creating the office of coroner, to a limited extent. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, reported the same back to the Senate with the expression of their opinion that the offices are compatible, and that there is no constitutional provision against their union in the same person. The bill was placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act more effectually to enforce the duties of sheriffs in certain cases, reported the same back to the Senate and recommended its passage. Which was placed among the orders of the day.

Mr Alston from the judiciary committee to which was referred a bill to be entitled an act to explain and define the fees of county court judges, reported that it was inexpediency to pass said bill, as the fees of county court judges, are already defined by law, and ought not in their judgement to be increased at this time. The bill was placed among the orders of the day.

Mr Turner from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act to grant the right of a way to H. J. Y. Moss to his landing on the Tombeckbee river, in the county of Washington, reported that they had amended the same by striking out the third section, and substituting in lieu thereof two other sections, and thus amended, recommended its passage; in which the Senate concurred. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr Phillips from the judiciary committee, to whom was referred the petition of Thornton B. Goldsby and others, praying the passage of an act to authorize them to sell the property of minor heirs, reported that to grant the prayer of the petition would be assuming on the part of the General Assembly the exercise of judicial powers, and an unauthorized interference with vested rights; in which the Senate concurred.

Mr Phillips from the judiciary committee, to whom was referred the petition of sundry citizens of Limestone county, reported a bill and recommended its passage, to be entitled an act to authorize the judge of the country court and commissioners of roads and revenue of Limestone county to levy

a tax; which was read a first time, and on motion of Mr Hudson the constitutional rule was dispensed with, and the bill read second time.

On motion of Mr Terry the rule was further dispensed with, the bill considered as engrossed, and read a third time forthwith.

On motion of Mr Terry the blank in said bill was filled with 'fifty,' and passed.

Mr Turner from the special committee, to which was referred a bill to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, and for other purposes, reported the same back to the Senate and asked to be discharged from its further consideration. The committee were discharged, and the bill placed among the orders of the day.

Mr Rice from the select committee, to whom was referred a bill to be entitled an act for the relief of Henry Tuttle, late sheriff of Walker county, reported the same back to the Senate, and recommended its passage; which was placed among the orders of the day.

Mr Reese from the select committee, to whom was referred a bill to change the time of holding the spring term of the circuit courts in certain counties, reported the same back to the Senate, and recommended its passage. The amendment was adopted by the Senate; the bill read a third time and passed.

Mr Reese introduced a bill to be entitled an act to amend the charter of the Montgomery rail road company; which was read the first time, and the constitutional rule being dispensed with, the bill was read a second time.

On motion of Mr Creagh the bill was amended by striking out 'fifteen' in the sixteenth line, and inserting in lieu thereof 'ten.'

On motion of Mr Reese the bill was then indefinitely postponed.

Mr McConnell from the special committee, to whom was referred a bill to be entitled an act to prevent persons from establishing negro quarters without keeping some white person on the premises, reported a substitute for said bill to the consideration of the Senate.

Mr Dent moved to strike out the proviso in said bill; which was carried.

Mr Creagh moved to amend by striking out the word 'fifty' where it occurs before the word 'dollars,' in said bill; which was lost. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr Hudson presented the account of J. C. Van Dyke; which was referred to the committee on accounts and claims.

Mr Turner introduced a bill to be entitled an act to compel executors and administrators to perfect titles to land in certain cases; which was read a first time, and the constitutional rule being dispensed with, it was read a second time; and on motion of Mr Turner it was referred to the judiciary committee.

The Senate proceeded to the consideration of the orders of the day.

A bill to be entitled an act to change the name of Ivy Boiett, and for other purposes, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of Matthew D. Thompson, was read a second time, and on motion of Mr Phillips referred to a select committee, consisting of Messrs Phillips, Lea and Thornton.

Engrossed bills of the following titles, to wit:

A bill to be entitled an act to establish a road court in the county of

Mobile:

An act for the relief of the Greensboro' Light Artillery Guards:

An act making appropriations for the payment of certain claims against the State:

An act to change the name of H. Nichols to that of James A.

Alston:

An act to amend the charter of the city of Mobile:

An act to secure the fees of certain officers in the county of Mobile:

Were severally read the third time and passed. Ordered, that the titles of said bills remain as aforesaid; and that they be sent to the House of Representatives for their concurrence.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to authorize commissioners of township sixteen, range seventeen, of Montgomery county, to erect a suitable building for an academy:

An act to amend an act for locating the seat of justice of Washington county, and for other purposes:

Were each read a third time and passed. Ordered, that the title of each remain unchanged, and that the House of Representatives be acquainted therewith.

Bills of the following titles, to wit:

An act to incorporate the Sylvania male and female academy, in the county of Sumter:

An act concerning county court judges:

An act for the benefit of J. Henri Hottinguer:

An act prescribing the duties of assessors and tax collectors: and

An act more effectually to enforce the performance of the duties of sheriffs in certain cases:

Were severally read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to attach a part of the county of Fayette to the county of Tuscaloosa, was read a second time, and on motion of Mr Dent referred to a select committee, consisting of Messrs Dent, Wilson of F. and Terry.

Joint resolutions in relation to defining the lines of Cherokee county, was read a second time; and on motion of Mr Clarke, referred to a select committee. Messrs Clarke, Smith and Terry were appointed said committee.

A bill to be entitled an act to establish an office of Discount and Deposit, in the town of Demopolis, in Marengo county, was read a second time. Mr Hudson moved to lay it on the table; upon which motion the yeas and nays were demanded. Yeas 14-- Nays 14.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Jones, Lloyd, McVay, McConnell, Rice, Rodgers, Smith, Terry, and Toulmin.

Those who voted in the negative are, Messrs Alston, Andress, Dailey, Hall, King, McAllister, Oliver, Phillips, Reese, Ross, Thornton, Watrous, Wilson of F. and Wilson of J.

The motion failed.

Mr Andress moved to amend the bill by striking out 'Demopolis, in Marengo, county,' and inserting 'Claiborne, in Monroe county,' upon which motion the yeas and nays were demanded. Yeas 13– Nays 12.

Those who voted in the affirmative, are Messrs President, Andress, Clarke, Creagh, Farrar, Hudson, Lloyd, McConnell, Ross, Terry, Toulmin, Turner, and Wilson, of F.

Those who voted in the negative, are Messrs Alston, Buford, Dailey, Dent, Jones, King, McAllister, McVay, Rodgers, Thornton, Watrous and Wilson of F.

The amendment was adopted.

Mr Toulmin then moved to postpone the bill indefinitely; upon which motion the yeas and nays were demanded, Yeas 19– Nays 8.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Jones, Lloyd, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are Messrs Alston, Andress, King, McAllister, Phillips, Ross, Thornton, and Watrous.

The motion prevailed.

A bill to be entitled an act to alter the mode of electing the president and directors of the State Bank and its several Branches, was read a second time. Mr Dent moved to lay the bill on the table; upon which motion the yeas and nays were demanded. yeas 9– Nays 16.

Those who voted in the affirmative, are Messrs Dailey, Dent, Farrar, King, McConnell, Rodgers, Smith, Thornton and Watrous.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Hudson, Jones, Lloyd, McAllister, McVay, Phillips, Rice, Ross, Terry, Toulmin, Turner, Wilson of F. and Wilson of J.

The motion was lost.

The question then recurred upon ordering the bill to be engrossed and read a third time; which was carried. Yeas 15– Nays 11.

Those who voted in the affirmative, are Messrs President, Alston, Clarke, Creagh, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Phillips, Reese, Ross, Terry, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are Messrs Andress, Dailey, Dent, King, McConnell, McVay, Rodgers, Smith, Thornton, Watrous and Wilson of F.

An act for the relief of Unicy Windham, was read a second time, and on motion of Mr Hudson was laid upon the table.

A bill from the relief of Henry Tuttle, late sheriff of Walker county, was read a second time and lost.

On motion of Mr Rodgers.

Resolved, That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House, on Thursday, the 31st, for the purpose of electing a judge of the county court of Lawrence county, at four o'clock, P.M.

A bill to be entitled an act to enlarge the discretion of the Directory of the State Bank and its several branches, in securing debts, and to authorize them to appoint Bank Marshals, if necessary, was read a second time.

Mr Alston moved to amend the bill by striking out all the section after the word 'more' in the fifteenth line of the fifth section; which was adopted. Yeas 17– Nays 10.

Those who voted in the affirmative, are Messrs President, Alston, Andress,

Creagh, Dailey, Farrar, Hudson, King, Lloyd, McConnell, McVay, Oliver, Phillips, Reese, Ross, Thornton and Wilson of F.

Those who voted in the negative, are Messrs Clarke, hall, Jones, McAllister, Rice, Smith, Terry, Toulmin, Turner and Wilson of J.

Mr Terry offered the following as an additional section:

Sec. 9. And be it further enacted, That it shall be the duty of the several clerks of the courts of this State to direct all process issued at the instance of or in favor of the Bank of the State of Alabama, or any of its branches, to the marshal of the bank, in whose favor, or at whose instance, the same may issue, if there be such marshal appointed according to the provisions of this bill.

Which was adopted. The bill was then ordered to be engrossed for a third reading.

Engrossed bill from the House of Representatives to be entitled an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, was read a second time and ordered to a third reading.

A bill to be entitled an act to explain and define the fees of the county court judges, was read a second time, and on motion of Mr Hudson, was ordered to lie upon the table.

Engrossed bill from the House of Representatives to be entitled an act to repeal two acts therein named, so far as they relate to the revenue of Marshall county, and for other purposes, was read a second time. The question was then put, 'shall the bill be ordered to be engrossed for a third reading?' which was lost. Yeas 14– Nays 14.

Those who voted in the affirmative, Messrs Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, Phillips, Reese, Rice, Rodgers, Ross, Terry and Womack.

Those who voted in the negative, are Messrs President, Alston, Clarke, Creagh, Dailey, Dent, Farrar, McVay, Oliver, Smith, Toulmin, Turner, Wilson of F. and Wilson of J.

Mr Hall moved that when the House adjourn, it adjourn to half after three o'clock: which was carried.

Mr Rice introduced a bill to regulate the practice of dental surgery, and for other purposes; which was read and ordered to a second reading.

On motion of Mr Dent, the Senate then adjourned.

EVENING SESSION, half after three o'clock.

Message from the House of Representatives by Mr Phelan:

Mr President– I am directed by the House of Representatives to invite the Senate into the Hall of the House for the purpose of going into the election of a President and six Directors, for the branch of the Bank of the State of Alabama at Montgomery.

The Senate having repaired to the hall of the House of Representatives, and taken their seats, the two houses then proceeded to the election of a President and six Directors, for the Branch of the Bank of the State of Alabama, at Montgomery.

The two houses first proceeded to the election of a President for the branch of the bank of the State of Alabama, at Montgomery– JOHN MARTIN alone being in nomination.

Those who voted for Mr MARTIN, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Jones, King, Lloyd,

McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hill, Hall, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Morris, Murphy, Norris, Norwood, Peterson, Prince, Pynes, Reynolds, Roberts, Russell, Seawell, Shanks, Simmons, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives.

JOHN MARTIN having received one hundred eighteen votes, being the whole number given, Mr Speaker declared him duly and constitutionally elected President of said Bank for the ensuing twelve months.

The two houses next proceeded to the election of six Directors— E. C. WALLACE, J. M. FRIOU, JOHN A. WHETSTONE, ROBERT E. COXE, Col. W. O. BALDWIN, J. A. BULLOCK, DR. BALDWIN, H. G. HARBIN, R. T. ASHURST, T. J. VICKERS, W. MCKNIGHT, R. A. MOSELY, A. PARKER and ASA ALEXANDER, being in nomination.

Those who voted for Mr WALLACE are Messrs Alston, Address, Dent, Farrar, Hall, Jones, McConnell, McVay, Oliver, Smith, Terry, Thornton, and Womack, of the Senate; Adams, Adrian, Barron, Bates, Clemens, Davenport, Davidson, Davis of A. Davis of B., Davis of L., Doster, Fowler, Garrett, Hall, Hughs, Hutchinson, Jemison, Kelly, Kidd, Langdon, McCullough, McGill, McMillion of B., Moores, Prince, Rice, Saunders, Walker of B., Williams, Wilson, Winston of DeK., Winston of S. and Wynn, of the House of Reps.— 46.

Those who voted for Mr FRIOU, are Messrs Alston, Dailey, hall, McConnell, Phillips, Rice, Rodgers, Ross, Terry, and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Ashurst, Barron, Bell, Blount, Bradley, Campbell, Crenshaw, Dixon, Fitzpatrick, Flemming, Garrett, Hale, Hill, Hughs, Hunter, Hutchinson, Kelly, Kidd, King, Little, Mann, McAlpin, McCoy, McCullough, McGill, McMillion of B., McMillion of J., Mitchell, Moore of Madison, Moores, Murphy, Norris, Norwood, Reynolds, Rice, Roberts, Russell, Smith of J., Stone, Walker of M. Wann, Winston of DeK., and Winston of S. of the House of Representatives—56.

Those who voted for Mr WHETSTONE are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, Phillips, Rice, Rodgers, Terry, Toulmin, Turner, Watrous, Wilson of F., and Wilson of J., of the Senate; Messrs Speaker, Adrian, Alexander, Bell, Blount, Cobb, Davidson, Davis of A., Davis of B., Davis of L., Dixon, Doster, Douglass, Flemming, Fowler, Garrett, Griffin of S. Hale, Hall, Hollinger, Houston, Hughs, Inge, Jones, Kelly, Kidd, King, Langdon, Mangum, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Norris, Norwood, Perkins, Peterson, Reynolds, Rice, Roberts, Seawell, Shanks, Simmons, Smith of J., Smith of L., Spruill, Stone, Walker of B., Walker of L., Walker of M. Wann, Wilson, Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—84.

Those who voted for Mr COXE, are Messrs President, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, Lloyd, Reese, Rice, Rogers, Ross,

Smith, Terry, Toulmin, Turner, and Wilson of F., of the Senate; Messrs Speaker Adams, Alexander, Blackshear, Blair, Blount, Cobb, Davis of L. Douglass, Fitzpatrick, Fowler, Garrett, Hollinger, Houston, Inge, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McLemore, McMillion of J, Moore of Marion, Murphy, Perkins, Peterson, Prince, Pynes, Reynolds, Roberts, Russell, Saunders, Seawell, Simmons, Smith of L. Spruill, Walker of B., Walker of L., Wilson and Womack, of the House of Representatives—61.

Those who voted for Col. W. O. BALDWIN, are Messrs Alston, Address, Burford Dailey, Dent, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Turner, Watrous, Wilson of J. and Womack, of the Senate; Messrs Speaker, Adrian, Ashurst, Barron, Bates, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Dixon, Doster, Fitzpatrick, Flemming, Griffin of M., Griffin of S. Hale, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Mangum, Mann, McAlpin, McCoy, McCullough, McLemore, McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Provence, Pynes, Reynolds, Seawell, Shanks, Simmons, Spruill, Stone, Strode, Walker of B. Walker of L. Walker of M. Wann, Womack, and Wynn, of the House of Representatives—79.

Those who voted for Mr BULLOCK, are Messrs President, Clarke, Creagh, Farrar, Hudson, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Speaker, Capbell, Clemens, Cobb, Dixon, Douglass, Fowler, Hill, Houston, Jones, Mallard, McClanahan, McMillion of B. Moore of Marion, Reynolds, Smith of J. Strode, Wann, Williams, Wilson and Winston of S. of the House of Representatives—39.

Those who voted for Dr BALDWIN, are Messrs President, Buford, Clarke, Creagh, Dailey, Farrar, Hudson, Jones, Lloyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. And Wilson of J. of the Senate; Messrs Adrian, Alexander, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Hale, Hall, Houston, Hughes, Jones, Kelly, King, Mangum, Mallard, Mann, Marchbanks, McClanahan, McMillion of B. Moore of Madison, Moore of Marion, Perkins, Provence, Pynes, Reynolds, Roberts, Saunders, Simmons, Smith of L. Stone, Strode, Walker of B. Walker of L. Walker of M. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Womack of the House of Representatives—66.

Those who voted for Mr HARBIN, are Messrs Alston, McConnell, McVay, Oliver, Phillips, Ross, Thornton, Watrous, and Womack, of the Senate; Messrs Ashurst, Barron. Bates, Bell, Blackshear, Blair, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, David of A. Davis of B. Doster, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Hunter, Inge, Jemison, Kidd, Langdon, Little, McAlpin, McCoy, McCullough, McMillion of J. Mitchell, Moores, Murphy, Norris, Norwood, Province, Pynes, Russell, Seawell, Smith of L. Spruill, Strode, Womack, and Wynn of the House of Representatives—58.

Those who voted for Mr ASHURST, are Messrs Alston, Address, Buford, Dent, Hall, King, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Watrous, Wilson of J. and Womack, of the Senate ; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, King, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of Madison, Moores, Murphy, Norris, Norris, Norwood, Perkins, Peterson, Prince, Rice, Saunders, Seawell, Shanks, Smith of J. Spruill, Strode, Walker of B. Walker of L. Walker of M. And Williams of the House of Representatives—73.

Those who voted for Mr VICKERS, are Messrs Alston, Address, Buford, Dailey, Dent, Hall, Jones, King, Oliver, Phillips, Ross, Thornton, Watrous, and Womack of the

Senate; Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAllister, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Peterson, Prince, Rice, Roberts, Seawell, Shanks, Simmons, Smith of L. Spruill, Stone, Strode, Walker of L. and Womack, of the House of Representatives—61.

Those who voted for Mr MCKNIGHT, are Mr Reese of the Senate.

Those who voted for Mr MOSELY, are Messrs President, Creagh, Hudson, Lloyd, Toulmin and Turner, of the Senate; Messrs Alexander, Blackshear, Blair, Douglass, Griffin of M. Hill, Hughs, Mallard, Marchbanks, McClanahan, Provence, Rice, Russell, Smith of J. Smith of L. Wann, and Williams of the House of Representatives—23.

Those who voted for Mr PARKER, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Thornton, Toulmin, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Alexander, Blackshear, Blair, Cobb, Davis of A. Davis of L. Douglass, Fowler, Griffin of M. Griffin of S. Hale, Hill, Houston, Hughs, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Prince, Provence, Pynes, Roberts, Russell, Saunders, Shanks, Stone, Walker of M. Williams, Wilson, Winston of DeK. and Wynn, of the House of Representatives—57.

Those who voted for Mr ALEXANDER, are Messrs Address, Buford, Clarke, Dent, King, McAllister, McVay, Oliver, Smith, And Wilson of F. of the Senate; Messrs Adams, Ashurst, Bates, Bell, Blackshear, Blair, Bradley, Crenshaw, Davenport, Davis of A. Davis of L. Dixon, Flemming, Griffin of M. Hale, Hill, Houston, Hunter, Hutchinson, Jemison, Mangum, Marchbanks, McAlpin, Mitchell, Perkins, Peterson, Provence, Pynes, Russell, Saunders, Shanks. Simmons, Smith of J. Winston of DeK. Winston of S. and Wynn, of the House of Representatives—47.

JOHN A. WHETSTONE COL. W. O. BALDWIN and R. T. ASHURST, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama at Montgomery.

Neither of the others having received a majority of the votes given, the two Houses proceeded to the election of two Directors of said bank—Messrs E. C. WALLACE, J. M. FRIOU, ROBERT E. COX, J. A. BULLOCH, H. G. HARBIN, T. G. VICKERS, R. A. A. MOSELY, ASHLEY PARKER, and ASA. ALEXANDER, being in nomination.

Those who voted for Mr WALLACE, are Messrs Alston, Address, Farrar, Hudson, Hall, Jones, King, McVay, Oliver, Reese, Watrous, Wilson of F. and Wilson of J. of the Senate; Messrs Ashurst, Bates, Davis of A. Davis of B. Davis of L. Doster, Griffin of M. Hall, Langdon, McAlpin, McMillion of B. Moore of Mad. and Moores, of the House of Representatives—26.

Those who voted for Mr FRIOU, are Messrs McConnell, and Turner of the Senate; Messrs Speaker, Adams, Adrian, Bradley, Crenshaw, Dixon, Flemming, Garrett, Hale, Hill, Hughs, Hutchinson, Kelly, King, Little, Mallard, McCoy, Mitchell, Moore of Marion, Norris, Norwood, Reynolds, Rice, Roberts, Russell, Smith of J. Walker of B. Winston of DeK. and Winston of s. of the House of Representatives—31.

Those who voted for Mr COX, are Messrs President, Clarke, Creagh, Dailey, Dent, Jones, Lloyd, Phillips, Reese, Rice, Rodgers, Thornton, Toulmin, And Turner of the Senate; Messrs Adams, Alexander, Black-

shear, Blair, Blount, Campbell, Cobb, Davenport, Dixon, Douglass, Fitzpatrick, Fowler, Hollinger, Houston, Hughs, Inge, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McLemore, McMillion of J. Moore of Mad. Moore of Marion, Murphy, Perkins, Peterson, Prince, Pynes, Seawell, Shanks, Simmons, Spruill, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of S. and Wynn, of the House of Representatives—57.

Those who voted for Mr BULLOCH, are Messrs President, Clarke, Creagh, Smith, Terry, Toulmin, Wilson of F. and Wilson of J. of the Senate; and Messrs Speaker and Jones of the House of Representatives—10.

Those who voted for Mr HARBIN, are Messrs McConnell and McVay, of the Senate; and Messrs Barron, Bell, Garrett, Griffin of S. Hunter, Jemison, Jones, Mangum, and McClanahan, of the House of Representatives—11.

Those who voted for Mr VICKERS, are Messrs Alston, Address, Buford, Dailey, Dent, King, Oliver, Phillips, Ross, Thornton, Watrous, and Womack of the Senate; Messrs Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davis of B. Doster, Fitzpatrick, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Rice, Seawell, Shanks, Simmons, Spruill, Stone, Strode, Walker of L. and Womack of the House of Representatives—61.

Mr Russell, of the House of Representatives voted for Mr MOSELY.

Those who voted for Mr PARKER, are Messrs Farrar, Hudson, Hall, Lloyd, McAllister, Rice, Rodgers, and Smith of the Senate; Messrs Blackshear, Cobb, Davis of A. Davis of L. Douglass, Fowler, Griffin of M. Hale, Hill, Houston, Marchbanks, McCullough, McGill, McMillion of B. McMillion of J. Reynolds, Roberts, Smith of J. Stone, Williams, Wilson, Winston of DeK. and Wynn of the House of Representatives—31.

Those who voted for Mr ALEXANDER, are Messrs Buford, McAllister and Womack of the Senate; Messrs Blair, and Mann of the House of Representatives—5.

T. J. VICKERS having received sixty-one votes, being a majority of the whole number given, Mr Speaker, declared him duly elected a Director of the Branch Bank of the State of Alabama at Montgomery.

Neither of the others having received a majority of the votes given, the two houses proceeded to the election of one Director for said Bank—Messrs J. M. FRIOU, ROBERT E. COX, and ASHLEY PARKER, being in nomination.

Those who voted for Mr FRIOU, are Messrs Dailey and Oliver of the Senate; and Messrs Adams, Adrian, Ashurst, Barron, Bates, Bradley, Davis of B. Flemming, Garrett, Griffin of M. Hale, Hill, Hughs, Hutchinson, Kelly, King, Langdon, Little, Mann, McCoy, Moores, Norris, Norwood, Reynolds, Rice, Roberts, Russell, Smith of J, Williams, Winston of DeK. and Winston of S. of the House of Representatives—33.

Those who voted for Mr COX, are Messrs President, Creagh, Jones, King, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack of the Senate; Messrs Speaker, Bell, Blackshear, Blair, Blount, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of S. Hall, Hollinger, Houston, Hunter, Inge, Jemison, Kidd, Mangum, Mallard, Marchbanks, McAlpin, McClanahan, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Murphy, Perkins, Peterson, Prince, Pynes, Saunders, Seawell, Shanks, Simmons, Spruill,

Stone, Strode, Walker of B. Wilson, and Womack of the House of Representatives--66.

Those who voted for Mr PARKER, are Messrs Clarke, Hall, McAllister, and Smith of the Senate; Messrs Alexander, McCullough, and Wynn, of the House of Representatives--8.

ROBERT E. COX having received sixty-six votes, being a majority of the whole number given, Mr Speaker declared him duly and constitutionally elected a Director of the Branch of the Bank of the State of Alabama, at Montgomery.

The Senate then withdrew from the Hall of the House, and returned to the Senate Chamber. Mr President took the chair.

On motion of Mr Rodgers, the Senate then adjourned.

TUESDAY, December 29, 1940.

The Senate met pursuant to adjournment.

Mr Wilson of J. presented the account of William A. Austin for going to and returning from the branch bank at Huntsville as a director of said bank, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Dent presented the account of the sheriff of Tuscaloosa county, against the State for victualing State prisoners, which on motion, was referred to the committee on accounts and claims.

Mr Buford presented the account of David Covington; which was referred to the committee on Indian expenditures.

Mr Smith presented the petition of sundry citizens of Cherokee county, in relation to the military law of this State; which on motion of Mr Smith, was ordered to lay upon the table.

Mr McAllister, from the committee on Indian expenditures, to which was referred the account of Burke & Lowry, for provisions furnished to a volunteer company, reported a bill allowing the same; which was read and ordered to a second reading.

Mr Jones, from the select committee, to whom was referred a bill for the removal of the branch at Decatur, to provide a substitute for the same, reported a substitute and recommended its passage. The yeas and nays were demanded upon the adoption of the substitute; which was lost. Yeas 15-- Nays 15.

Those who voted in the affirmative, are Messrs President, Alston, Address, Burford, Dailey, Hall, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross and Thornton.

Those who voted in the negative, are Messrs Clarke, Creagh, Dent, Farrar, Hudson, Lloyd, McVay, Rice, Rodgers, Smith, Terry, Turner, Wilson of F. Wilson of J. and Womack.

The question then recurred upon the passage of the original bill; which being read the third time,

Mr Creagh moved to fill the blank with 'Claibourne,' in Monroe county.

Mr Phillips contended that the amendment was out of order, inasmuch as the bill provided for its location by joint vote of the two Houses of the General Assembly.

Mr President decided the amendment to be in order to fill the blank with and named placed.

From which decision Mr Phillips took an appeal. The question was, 'shall

the decision of the chair as the judgment of the Senate?' and the yeas and nays were demanded. Yeas 21–Nays 9.

Those who voted in the affirmative are Messrs President, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Lloyd, McAllister, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are Messrs Alston, Dailey, Hall, Jones, King, Oliver, Phillips, Reese, and Ross.

The decision of the chair was sustained.

The question then recurred upon the motion to fill the blank with Claibourne in Monroe county; and the yeas and nays were demanded. Yeas 10–Nays 21.

Those who voted in the affirmative are Messrs President, Address, Creagh, Hudson, Hall, Rodgers, Ross, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are Messrs Alston, Buford, Clarke, Dailey, Dent, Farrar, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Smith, Terry, Thornton, Toulmin, and Turner.

The Senate refused to fill the blank with 'Claibourne,' in Monroe county.

Mr Phillips moved to fill the blank with the words 'Selma, in the county of Dallas.'

Mr Dent moved to lay the bill and proposed amendment on the table; and the yeas and nays were demanded. Yeas 17–Nays 14.

Those who voted in the affirmative are Messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Lloyd, McVay, Rice, Rodgers, Smith, Terry, Turner, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are Messrs Alston, Address, Buford, Hall, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, and Toulmin.

The motion to lay on the table prevailed.

Message from his Excellency, the Governor, by his private secretary:

EXECUTIVE DEPARTMENT, }

Tuscaloosa, December 28, 1840.

SIR—I have the honor to inform the Senate that a vacancy has occurred in the office of judge of the county of Marengo county, in consequence of the death of the Hon, Angus R. Morrison, late judge of said court.

A. P. BAGBY.

Hon J. L. F. COTTRELL, President of the Senate.

The message was, on motion of Mr Alston, laid upon the table.

Mr Lloyd, from the select committee, to whom was referred a bill to be entitled an act to authorize Henry Haynes to erect a toll bridge across Thompson's creek, in the county of Marshall, reported the same back to the Senate with the following amendments: in the eleventh line, second section, strike out 'fifty' and insert 'thirty seven and a half;' in twelfth line, same section, strike out 'thirty-seven and a half,' and insert 'twenty-five;' in thirteenth line, strike out 'twenty-five' and insert 'eighteen and three-fourths;' which were adopted, and the bill read a third time.

Mr Alston moved to postpone the bill indefinitely; which was lost.

The question was then put, 'shall the bill pass?' and decided in affirmative. Yeas 24–Nays 5.

Those who voted in the affirmative, are Messrs President, Address, Buford, Clarke, Creagh, Dailey, Dent, Hudson, Jones, King, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are Messrs Alston, Hall, Oliver, Watrous, and Wilson of F.

Ordered, that the title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the hall of the House of Representatives, on Tuesday, twenty-ninth inst. at seven o'clock, P. M. for the purpose of electing a President and usix Directors for the branch Bank of the State of Alabama at Mobile, and a committee of internal improvement for the Choctawhatchie river; in which the concurrence of the Senate is requested.

The House has also adopted the report and joint resolutions responsive to certain resolutions of South Carolina in relation to the Georgia and Maine controversy.

Mr Thornton, from the judiciary committee, to which was referred a bill to be entitled an act to compel executors and administrator to perfect titles in certain cases, reported the same back to the Senate. with the following proviso, to come in at the end of the bill, to wit:

'Provided further, That no proceedings had under this act in favor of the assignee, shall estop the obligor or his heirs, executors, &c., from contesting the validity of the assignment of such bond, with the assignee or those claiming under him or her.'

Which was adopted by the Senate. The bill was then read the second time and ordered to be engrossed for a third reading.

Mr Dent, from the select committee, to whom was referred a bill to be entitled an act to attach a part of the county of Fayette to the county of Tuscaloosa, reported the same back to the Senate as inexpedient; which was placed among the orders of the day.

Mt Alston introduced a bill to be entitled an act requiring the judge of the county court of Marengo county, to reside at or within five miles of the court house; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Turner introduced a bill to be entitled an act for the final settlement of the controversy between the counties of Jackson and Marshall, touching a certain claim of the former against the latter county; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and the constitutional rule being further dispensed with, it was read a third time forthwith and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Toulmin introduced a bill to be entitled an act to alter and amend the several acts in relation to public roads in the county of Mobile; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Dent presented the account of J. Lacy & Co.: the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Hall offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will adjourn sine die, on Thursday, the seventh of January.

Mr Hudson moved to lay the resolution on the table; which was carried.
Yeas 17–Nays 11.

Those who voted in the affirmative, are Messrs President, Buford, Clarke, Creagh, Dent, Jones, King, Lloyd, McAllister, McConnell, Reese, Rice, Terry, Toulmin, Turner, Watrous, and Wilson of F.

Those who voted in the negative are Messrs Alston, Dailey, Farrar, Hudson, Hall, McVay, Oliver, Ross, Thornton, Wilson of F. and Womack.

On motion of Mr Alston,

Resolved, That the State Bank committee be instructed to inquire into the expediency of adopting measures to prevent the Mobile Bank from charging and collecting thirteen and two-thirds per cent., as reported by the examining committee, appointed by the Governor; and to inquire into any other abuses that may have found their way into the banks, and to report by bill or otherwise.

The Senate then proceeded to the consideration of the orders of the day.

Joint resolutions of the Senate and House of Representatives authorizing the President and Directors of the State Bank and the several branches thereof, to burn the amount of post notes which they have issued, or may hereafter issue and put in circulation, as soon as the same shall have been taken in by the said bank and branch issuing the same, which they are hereby severally authorized to do as often as in the opinion of said President and Directors it is expedient.

Engrossed bills of the following titles, to wit:

An act to establish a private for H. J. Y. Moss, to his landing on the Tombeckbee river, in the county of Washington:

An act to change the name of Ivey Boiett, and for other purposes:

An act to incorporate the Sylvania male and female academy, in the county of Limestone:

An act prescribing the duties of assessors and tax collectors:

An act for the benefit of Henri Hottinger:

An act more effectually to enforce the performance of the duties of sheriffs in certain cases:

Were severally read a third time and passed. Ordered, that their titles remain unchanged.

Ordered, that they be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to regulate the salaries of the President, Cashier, Teller, and Bank Attorney of the Bank of the State of Alabama and its several Branches, and for other purposes, was read a second time.

On motion of Mr Hudson, it was indefinitely postponed. Yeas 22–Nays 4. The yeas and nays being demanded,

Those who voted in the affirmative, are Messrs President, Alston, Buford, Clarke, Creagh, Dailey, Dent, Hudson, Hall, Jones, King, Lloyd, McAllister, McConnell, McVay, Phillips, Reese, Ross, Watrous, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs Rice, Terry, Toulmin, and Turner.

Engrossed bill to be entitled an act to compel owners of slaves to keep some whiter persons at negro quarters in this State, was read a third time and passed.

On motion of Mr Watrous, the vote taken on the bill to be entitled an act to compel owners of slaves to keep some white person at negro quarter in this State, was reconsidered. The bill was read a third time.

Mr Creagh offered the following amendment, by way of engrossed rider: "Provided, the provisions of this act shall not take effect and be in force in the counties of Clarke, Washington, Baldwin, Shelby and Mobile."

Mr Dailey moved to amend the amendment by adding the "counties of Tallapoosa and Macon."

Mr Farrar further to amend by adding the county of St. Clair.

Mr Rice, the counties of Morgan and Walker.

Mr Reese, the counties of Chambers and Randolph.

Mr Cottrell called for the previous question, which was sustained. Yeas 16—Nays 11.

Those who voted in the affirmative, are Messrs President, Alston, Buford, Clarke, Dent, Hudson, Jones, McConnell, McVay, Phillips, Ross, Terry, Thornton, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are Messrs Creagh, Dailey, Farrar, Hall, King, McAllister, Reese, Rice, Toulmin, Turner and Watrous.

The question was then put, 'shall the bill pass?' which was decided in the affirmative. Yeas 17—Nays 11.

Those who voted in the affirmative, are Messrs President, Alston, Buford, Clarke, Dent, Hudson, Jones, McConnell, McVay, Oliver, Phillips, Ross, Terry, Thornton, Turner, Wilson of F. and Womack.

Those who voted in the negative are Messrs, Creagh, Dailey, Farrar, Hall, King, McAllister, Reese, Rice, Toulmin, Watrous, and Wilson of J.

Ordered, that its title remain unchanged. Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act concerning county court judges, was read a third time.

The question was then put, 'Shall the bill pass?' which was decided in the affirmative. Yeas 21—Nays 2.

Those who voted in the affirmative are Messrs President, Alston, Buford, Clarke, Dailey, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, Oliver, Phillips, Rice, Ross, Terry, Toulmin, Wilson of F. and Womack.

Those who voted in the negative are Messrs Creagh and McVay.

Ordered, that the title remain unchanged. Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act to alter the mode of electing the President and Directors of the State Bank and its several branches, was read a third time.

Mr Dailey offered the following amendment by way of engrossed rider, to wit: "Provided, such committee so appointed shall not be indebted to the State Bank or any of its branches, either individually or as security to a larger amount than one thousand dollars."

Mr Hall moved to lay the amendment on the table, which was lost. Yeas 6—nays 21.

Those who voted in the affirmative, are Messrs Clarke, Dent, Hudson, Hall, Jones, and Terry.

Those who voted in the negative are Messrs President, Alston, Buford,

Creagh, Dailey, Farrar, King, McAllister, McConnell, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Wilson of F. and Wilson of J.

The question then recurred upon the adoption of the amendment.

Mr Jones moved to amend the amendment by striking out "one thousand" and inserting in lieu thereof "five thousand."

Mr Hudson called for a division of the question, which was first taken on striking out, and lost. Yeas 5–Nays 22.

Those who voted in the affirmative, are Messrs Hudson, Hall, Jones, Terry, and Toulmin.

Those who voted in the negative are Messrs, President, Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Farrar, King, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Smith, Thornton, Wilson of F. and Wilson of J.

Mr Terry offered the following amendment to the amendment, to wit: "Provided, any person owing over one thousand dollars, who is more able to pay his indebtedness than others owing only one thousand, which shall be ascertained by a competent committee appointed for that purpose, may be eligible to serve of said committee."

Mr Wilson of F. moved to indefinitely postpone the bill, together with the amendments, which was lost. Yeas 15–Nays 17.

Those who voted in the affirmative, are Messrs Alston, Address, Buford, Dent, King, McConnell, McVay, Oliver, Rice, Rodgers, Smith, Thornton, Watrous, Wilson of F. and Womack.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, Phillips, Reese, Ross, Terry, Toulmin, Turner, and Wilson of J.

The question was then taken upon the adoption of the amendment to the amendment offered by Mr Terry, which was lost. Yeas 4–Nays 27.

Those who voted in the affirmative are Messrs Dent, Phillips, Reese and Terry.

Those who voted in the negative, are Messrs President, Alston, Address, Buford, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Smith, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack.

The question then recurred upon the adoption of the amendment offered by Mr Dailey, which prevailed. Yeas 19–Nays 12.

Those who voted in the affirmative are Messrs Alston, Address, Burford, Dailey, Farrar, King, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Rodgers, Ross, Smith, Watrous, Wilson of F. and Wilson of L.

Those who voted in the negative, are Messrs President, Clarke, Creagh, Hudson, Hall, Jones, Reese, Terry, Thornton, Toulmin, Turner, and Womack.

The question was then put, shall the bill pass? which was decided in the negative. Yeas 13–Nays 18.

Those who voted in the affirmative are Messrs President, Clarke, Creagh, Farrar, Hudson, Jones, McAllister, McVay, Reese, Ross, Terry and Toulmin.

Those who voted in the negative, are Messrs Alston, Address, Buford, Dailey, Dent, Hall, King, McConnell, Oliver, Phillips, Rice, Rodgers, Smith, Thornton, Watrous, Wilson of F. and Wilson of J. and Womack.

Engrossed bill to be entitled an act to enlarge the discretion of the State Bank and several branches in securing debts, and to authorize them to appoint bank marshals if necessary, was read a third time, and the yeas and nays were demanded on its passage, by Mr Rodgers. Yeas 17–Nays 8.

Those who voted in the affirmative are Messrs President, Alston Clarke, Creagh, Dent, Hudson, Hall, Jones, King, Phillips, Reese, Rice, Ross, Terry, Toulmin, and Turner.

Those who voted in the negative, are Messrs Buford, Dailey, Farrar, McVay, Rodgers, Watrous, Wilson of F. and Womack.

The bill passed. Ordered, that its title remain as aforesaid.

Engrossed bill from the House of Representatives to be entitled an act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county, was read a third time, and passed the Senate. Ordered, that its title remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

A bill to be entitled an act to regulate the practice of dental surgery, was read a second time, and on motion of Mr Terry, was referred to the committee on propositions and grievances.

A bill to be entitled an act to attach a part of the county of Fayette to the county of Tuscaloosa, was read a second time, and on motion of Mr Wilson of F. was ordered to lay on the table.

Mr Hall offered the following preamble and resolutions:

Whereas, a resolution was introduced in the Senate, proposing to adjourn sine die, on the seventh of January; and whereas, the said resolution was laid upon the table, by a decided majority of the Senate; and whereas, said majority is not satisfied with having been in session upwards of eight weeks at public expense, without having done any thing that is of general interest to the people of Alabama;

Be it therefore, resolved by the Senate, That no member of the Senate shall draw more than two dollars per day, for his services, after the 4th day of January.

And be it further resolved, That if the Senate remains in session longer than the 7th of January, that they shall not be entitled to draw any thin by way of per diem, for their services.

Mr Hudson moved to lay the preamble and resolutions on the table, and the yeas and nays were demanded. Yeas 12–Nays 13.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hudson, Jones, McAllister, McVay, Rice, Rodgers, Terry, Thornton, and Toulmin.

Those who voted in the negative are Messrs Alston, Dailey, Dent, Farrar, Hall, King, Oliver, Phillips, Ross, Turner, Watrous, Wilson of F. and Womack.

The motion to lay on the table failed.

Mr King offered the following amendment to the resolutions, to wit: Provided, That if any manner shall leave before the time above specified, be shall not be entitled to any pay; which was adopted.

On motion of Mr Creagh, the resolutions were referred to the committee on retrenchment.

Mr Turner moved that when the Senate adjourn, it will adjourn until half past six o'clock, this evening; which prevailed.

On motion of Mr Hudson, the Senate then adjourned.

Evening Session, ½ past 6 o'clock.

The Senate met pursuant to adjournment.

Mr Creagh moved to reconsider the vote refusing to pass a bill for the benefit of Henry Tuttle, late sheriff of Walker county.

On motion of Mr Hudson, the motion was postponed until to-morrow.

Message from the House of Representatives by Mr Phelan:

Mr President— I am instructed by the House of Representatives to invite the Senate into the Hall of the House, for the purpose of electing a president and six directors, for the branch of the bank of the State of Alabama at Mobile, and one commissioner for the improvement of the navigation of the Choctaw-hatchie river.

The Senate having repaired to the hall of the House of Representatives and taken their seats, for the purpose of electing a President and six Directors, for the Branch of the Bank of the State of Alabama at Mobile, and one Commissioner for the Choctawhatchie river.

The two Houses proceeded to the election of a President for said Bank, — JOHN B. NORRIS and JOHN T. DONALD, being in nomination.

Those who voted for Mr NORRIS, are Messrs President, Clarke, Creagh, Farrar, Hudson, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Speaker, Adams, Adrian, Blackshear, Blair, Clemens, Cobb, Davis of A. Davis of L. Fowler, Griffin of M. Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Pynes, Reynolds, Roberts, Saunders, Smith of J. Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives.—58.

Those who voted for Mr DONALD, are Messrs Alston, Address, Buford, Dailey, Dent, Hall, King, Oliver, Thornton, Watrous and Womack, of the Senate; Messrs Alexander, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Garrett, Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, McAlpin, McCoy, McGill, McLemore, Moores, Murphy, Norris, Perkins, Peterson, Prince, Rice, Seawell, Shanks, Simmons, Smith of L. Spruill, and Womack of the House of Representatives—56.

JOHN B. NORRIS having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected President of the Branch of the Bank of the State of Alabama at Mobile.

The two houses then proceeded to the election of six Directors for said Bank—Messrs ED. S. HARRISON, D. D. KANE, B. BOYKIN, M. LINDSEY, CADE, M. GODBOLD, JACOB BOYD, LITTLEBERY MAULDIN, WM. A. SCOTT, EDWARD BRONDAX, WM. A. SMITH, JOS. HALL, ISAAC H. ERWIN, and JULIUS O. HARRIS, being in nomination.

Those who voted for Mr Boyd, are Messrs President, Clarke, Lloyd, McAllister, Rice, Rodgers, Ross, Terry, Toulmin, and Wilson of F. of the Senate; Messrs Adrian, Blackshear, Blair, Blount, Clemens, Cobb, Fitzpatrick, Fowler, Houston, Hughs, Inge, Jemison, Kelly, King, Little, Mallard, Marchbanks, McAlpin, McClanahan, McMillion of B. Moore of Mad. Moore of Marion, Norris, Peterson, Roberts, Shanks, Simmons, Strode, and Womack, of the House of Representatives—39.

Those who voted for Mr BOYKIN, are messrs President, Alston, Address, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, Reese, Rice, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Flemming, Fowler, Garrett, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Moores, Norwood, Peterson, Pynes, Reynolds, Rice, Roberts, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Womack, and Wynn of the House of Representatives—90.

Those who voted for MR BROADNAX, are messrs Alston, Address, Buford, Dent, Hudson, Hall, Jones, King, Lloyd, McConnell, McVay, Oliver, Reese, Rodgers, Ross, Thornton, Turner, Watrous, Wilson of F. and Wilson of J. and Womack, of the Senate; Messrs Speaker, Alexander, Ashurst, Barron, Bates, Bell, Bradley, Crenshaw, Davenport, Davidson, Davis of B. Doster, Douglass, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Kidd, Langdon, Little, Mann, Marchbanks, McCoy, McCullough, McGill, McLemore, Moore of Mad. Moore of Marion, Moores, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Saunders, Seawell, Shanks, Simmons, Spruill, Stone, Walker of B. Walker of L. Williams, Winston of S. and Womack of the House of Representatives—72.

Those who voted for ERWIN, are Messrs Alston, Address, Buford, Creagh, Dent, King, McVay, Oliver, Ross, Thornton, Turner, and Watrous of the Senate: Messrs Speaker, Adams, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moore of Marion, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Saunders, Seawell, Simmons, Smith of L., Spruill, Strode, and Winston of S. of the House of Representatives—63.

Those who voted for Mr GOLDBOLD, are messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Barron, Blair, Clemens, Cobb, Davis of A. Davis of L. Douglass, Fowler, Houston, Hughs, Jemison, Jones, Kelly, Kidd, King, Mallard, Mann, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Reynolds, Rice, Roberts, Saunders, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of DeK. Winston of S. Womack and Wynn of the House of Representatives—66.

Those who voted for mr HALL, are messrs Alston, Address, Buford, Creagh, Dent, Hall, King, Oliver, Thornton, Turner, and Watrous of the Senate: messrs Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of B. Fitzpatrick, Flemming, Griffin of m. Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jones, Kidd, Langdon, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of J. Mitchell, Murphy, Perkins, Prince, Rice, Shanks, Simmons, Spruill, Stone, Strode, and Womack, of the House of Representatives—55.

Those who voted for Mr HARRIS, are Messrs Alston, Buford, King, Oliver, and Watrous of the Senate; messrs Alexander, Ashurst, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davidson, Doster, Fitzpatrick, Flemming, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Langdon, Little, Mallard, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Perkins, Peterson, Prince, Rice, Shanks, Simmons, Smith of J. Smith of L. Spruill, Strode, Walker of L. and Williams, of the House of Representatives—48.

Those who voted for Mr HARRISON, are Messrs President, Clarke, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Oliver, Reese, Rice, Rodgers, Ross, Smith, Watrous, Wilson of F. and Womack, of the Senate; messrs Speaker, Adrian, Ashurst, Campbell, Davis of A. Davis of L. Doster, Fitzpatrick, Fowler, Garrett, Griffin of S. Hill, King, Mangum, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Moore of Madison, Murphy, Norris, Norwood, Prince, Rice, Roberts, Saunders, Shanks, Smith of L. Walker of L. Wilson, Winston of DeK. Womack, and Wynn of the House of Representatives—52.

Those who voted for Mr KANE, are messrs President, Clarke, Creagh, Dailey, Dent, Farrar, Hudson, Hall, Jones, King, McConnell, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, and Wilson of J. of the Senate: Messrs Adrian, Blount, Campbell, Clemens, Cobb, Davenport, Davis of A. Doster, Douglas, Fitzpatrick, Fowler, Garrett, Houston, Hughs, Hutchinson, Jemison, Kelly, King, McClanahan, McCullough, McMillion of B. Mitchell, Moores, Perkins, Reynolds, Roberts, Seawell, Stone, Walker of B. Williams, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—53.

Those who voted for Mr LINDSEY and Messrs Clarke, Creagh, Dailey, McAllister, Reese, Rice, Terry, Toulmin, Wilson of F. and Wilson of J. of the Senate; Messrs Davis of A. Davis of L. Houston, Mallard, McClanahan, Reynolds, Smith of J. Wilson, Winston of DeK. and Wynn, of the House of Representatives—20.

Those who voted for Mr MAULDIN are messrs Alston, Address, Hudson, Jones, Lloyd, McVay, Rodgers, Ross, Smith, Thornton, Turner, and Womack of the Senate; messrs Speaker, Adams, Alexander, Bradley, Campbell, Davenport, Davis of A. Davis of B. Davis of L. Douglass, Griffin of M. Hughs, Jones, Kelly, King, Mangum, Mallard, Marchbanks, McClanahan, McCullough, McMillion of J. Mitchell, Moore of Mad. Moores, Murphy, Norris, Norwood, Pynes, Reynolds, Saunders, Smith of J. Walker of L. Williams, Wilson, Winston of S. and Wynn of House of Representatives—48.

Those who voted for Mr SCOTT, are messrs Address, Buford, Dailey, Dent, Farrar, Jones, King, Lloyd, McConnell, McVay, Oliver, Ress, Watrous and Wilson of J. of the Senate. Messrs Adams, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Crenshaw, Davidson, Davis of B. Davis of L. Douglass, Flemming, Garrett, Griffin, of M. Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, McAlpin, McCoy, McGill, McLemore, McMillion of J. Mitchell, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Pynes, Rice, Roberts, Seawell, Shanks, Simmons, Smith of L. Spruill, and Walker of B. of the House of Representatives—65.

Those who voted for mr SMITH, are messrs President, Buford, Dailey, Farrar, McAllister, Smith, Terry, Toulmin, Wilson of J. and Womack, of the Senate, messrs Adams, Adrian, Blackshear, Blair, Clemens, Cobb, Douglass, Fitzpatrick, Fowler, Hill, Houston, Hughs, Jones, Kelly, Mangum, Mann, Marchbanks, McMillion of B. Moore of Marion, Pynes, Reynolds, Smith of J. Stone, Walker of B. Walker of DeK. and Winston of S. of the House of Representatives—36.

Messrs BOYKIN, BRODNAX, ERWIN, GOLDBOLD, and SCOTT having each received a majority of the votes given, Mr Speaker declared them duly elected Directors of the Branch of the Bank of the State of Alabama, at Mobile.

The two houses then proceeded to the ballot the second time, for one director for said Bank—Messrs E.S. HARRISON, D.D. KANE and LITTLEBERRY MAULDIN, being in nominations.

Those who voted for mr Mr Harrison, are Messrs President, Address, Hall, King, McVay, Oliver, Reese, Rodgers, Ross, Wilson of F. and Womack of the senate; Messrs

Alexander, Ashurst, Barron, Bates, Bell, Bradley, Campbell, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Fowler, Griffin of s. Hall, Hollinger, Hunter, Hutchinson, Inge, Kidd, Langdon, Little, Mangum, Mann, Marchbanks, McAlpin, McCoy, McGill, McLemore, McMillion of B. McMillion of J. Moore of Mad. Murphy, Norris, Norwood, Peterson, Prince, Rice, Roberts, Saunders, Seawell, Shanks, Simmons, Smith of J. Smith of L. Wilson, Winston of De K. Womack, and Wynn, of the House of Representatives.—63.

Those who voted for Mr KANE, are Messrs Creagh, Dailey, Dent, Farrar, McConnell, Rice, Terry, Toulmin, and Wilson of J. of the senate: messrs Adrian, Blair, Blount, Clemens, Cobb, Garrett, Hill, Houston, Hughs, Jemison, Kelly, McClanahan, McCullough, Moore of Marion, Perkins, Reynolds, Stone, Strode, Walker of B. and Winston of S. of the House of Representatives—29.

Those who voted for Mr Mauldin, are messrs Alston, Clarke, Hudson, Jones, Lloyd, McAllister, Smith, Thornton, Turner, and Watrous, of the Senate; Messrs Speaker, Adams, Blackshear, Davenport, Douglass, Griffin of M. Jones, King, Mallard, Mitchell, Moores, Pynes, Spruid, Walker of L. and Williams, of the House of Representatives—25.

Mr E.S. HARRISON having received a majority of the whole number votes given, Mr Speaker declared him duly elected a director of the Branch of the Bank of the State of Alabama, at Mobile.

The two houses then proceeded to the election of a Commissioner for the improvement of the background of the Choctawhatchie river – John D. COLLOWAY, alone being in nomination.

Those who voted for Mr COLLOWAY, are Messrs President, Alston, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, King, Lloyd, Rice, Rodgers, Ross, Thornton, Toulmin, Turner, of Senate; Messrs Speaker, Adams, Barron, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Douglass, Flemming, Griffin of M. Griffin of S. Hall, Hill, Hughs, Hunter, Inge, Jones, Kelly, Kidd, Little, Mallard, Mann, McAlpin, McClanahan, McCullough, McGill, McMillion fo J. Mitchell, Moore of mad. Moores, Norris, Norwood, Perkins, Pynes, Reynolds, Saunders, Shanks, Simmons, Smith of L. Walker of B. Wilson, Winston of DeK. and Wynn, of the House of Representatives—68.

JOHN D. HOLLOWAY having received sixty-eight votes, being the whole number given, Mr Speaker declared him duly elected a commissioner for the improvement of the navigation of the Choctawhatchie river.

The Senate then withdrew from the Hall of the House of Representatives, returned to the Senate Chamber, and Mr President took the Chair.

On motion of Mr Hudson, the Senate adjourned.

WEDNESDAY, December 30th, 1840.

The Senate met pursuant to adjournment.

Mr Rice from the committee on education, to which was referred sundry petitions from the citizens of Jackson county, relative to the sale of a portion of the sixteenth section, in township two, range four east, reported that it is inexpedient to grant the prayer of the petitioners, and asked leave to be discharged.

On motion of Mr Wilson of J. the report was laid on the table.

Mr Rice from the same committee, to which was referred a resolution instructing them to enquire into the expediency of making final settlement with B.F. Porter, the present attorney for the University of Alabama, reported that the matters contained in the said resolution, were improperly referred to that committee: and which your committee believe is exclusively the business of the Board of Trustees. The report was concurred in by the Senate.

Mr Rice from the same committee, to whom was referred a bill to be entitled an act to amend an act to raise a school fund aid the valueless sixteenth sections in this State, reported a substitute therefor.

Mr Rice moved to lay upon the table; the yeas and nays were demanded on the motion. Yeas 14—Nays 17.

Those who voted in the affirmative are Messrs Buford, Jones, Lloyd, McAllister, McConnell, McVay, Rice, Rodgers, Smith, Terry, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative, are Messrs President, Alston, Address, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, King, Oliver, Phillips, Reese, Ross, Toulmin, Turner, and Watrous.

The Senate then refused to lay upon the table.

The question then recurred upon adopting the amendment reported by the committee; which was lost. Yeas 13—Nays 17.

Those who voted in the affirmative, are Messrs President, Alston, Clarke, Creagh, Dailey, Dent, Hudson, Oliver, Phillips, Thornton, Toulmin, Turner, and Watrous.

Those who voted in the negative, are Messrs Buford, Farrar, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Wilson of F. Wilson of J. and Womack.

On motion of Mr Buford, the bill was recommitted to the committee on education.

Mr Hall presented the petition of sundry citizens from the county of Autauga, the reading of which was dispensed with, and referred to the committee on accounts.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled:

Joint resolutions of the General Assembly of the State of Alabama in response to certain resolutions of the State of Maine in relation to the North-eastern Boundary question.

Mr Thornton introduced a bill to be entitled, an act to fix the time of the sale of sheriffs in Green county; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, the constitutional rule being further dispensed with, the bill was read a third time and passed.

Ordered, that the title of the same remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has concurred in the resolutions of the Senate proposing to go into the election of a President and six Directors for the Branch Bank at Decatur: and a President and six Directors for the Branch Bank at Huntsville; and has amended the same by striking out 'Tuesday the twenty-ninth instant' and inserting 'Wednesday the thirtieth instant at four o'clock,' for the Huntsville Bank,' and by striking out Tuesday twenty-ninth instant, at four o'clock,' and inserting 'Thursday and thirty-first instant at seven o'clock,' for the Branch Bank, at Decatur.

The House has further amended said resolution by adding, also, a President and six Directors for the Bank of the State of Alabama, on Wednesday the thirtieth instant, at seven o'clock P.M.

In which the concurrence of the Senate is requested.

On motion of Mr Hudson, the message was laid upon the table.

Message from the House of Representatives by Mr Phelan.

Mr President—The House of Representatives has passed a bill, which originated in the Senate, for the relief of Andrew Dozier, and has amended the bill as shown and also the caption.

The House also concurred in the resolution of the Senate proposing to go into the election of a judge of the county court of Lawrence county, on Thursday the thirty-first instant, at four o'clock P.M., and has amended the same by adding also five Tennessee canal commissioners.

In which the concurrence of the Senate is requested.

The question was first taken upon concurring in the amendment made to the body of the bill; which was carried. Yeas 16–Nays 12.

Those who voted in the negative are Messrs President, Burford, Clarke, Creagh, Hudson, Hall, McAllister, McConnell, Oliver, Phillips, Reese, Terry, Thornton, Toulmin, Turner, and Womack.

Those who voted in the negative are Messrs Alston, Address, Dailey, Farrar, King, McVay, Rice, Rodgers, Ross, Smith, Wilson of F. and Wilson of J.

The amendment to the caption of the bill was also concurred in by the Senate.

The question was then taken upon concurring in the amendment made to the resolution of the Senate; which was carried.

A bill to be entitled an act to compensate Burke and Lowrey, of Talladega county, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bills of the following titles, to wit:

An act to compel executors and administrators in perfect titles to land in certain cases:

An act to alter and amend the several acts in relation to public roads in the county of Mobile:

Were each read a third time and passed.

Ordered, that the titles of the same remain as aforesaid, and that they be sent to the House of Representatives for their concurrence.

The bill to be entitled, an act requiring the judge of the county court of Marengo county, to reside at or within five miles of the courthouse, was read a third time.

Mr Buford offered the following amendment by way of engrossed ryder, to wit:

Be it further enacted, That the judges of the county court of Barbour county hereafter elected, shall reside within five miles of the county seat or else vacate their office; which was adopted.

The question was then taken upon the passage of the bill; which prevailed.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

On motion of Mr Dent, the message from the House of Representatives proposing to go into certain elections, was taken from the table.

The question was first taken upon the amendment made by the House to the resolution of the Senate, so far as related to the election of a President and six Directors for the Bank of the State of Alabama; which was concurred in.

The question was next taken upon concurring in the amendment made to that part of the Senate's resolution in relation to the election of a President and six Directors for the Branch Bank at Decatur, and upon disagreeing to the amendment to that part in relation to the Branch Bank, at Huntsville; which prevailed.

Message from the House of Representatives by Mr Phelan.

Mr President—The House of Representatives has disagreed to the amendments made by the Senate to the bill concerning brigade encampment drills and for other purposes.

Mr Creagh moved the indefinite postponement of the bill; which was lost. Yeas 8–Nays 21.

Those who voted in the affirmative, are Messrs President, Alston, Creagh, Dailey, Dent, Hall, King, and Thornton.

Those who voted in the negative, are Messrs Clarke, Farrar, Hudson, Jones, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack.

Mr King moved that the Senate adhere to its amendments; which was carried.

Mr Hudson moved that the Senate ask a committee on conference on the disagreement of the two Houses: which prevailed.

Messrs Hudson, Alston, and Thornton were appointed said committee on the part of the Senate.

The question was then put upon the motion of mr Creagh made yesterday, to reconsider the vote refusing to pass the bill for the relief of Henry Tuttle, late sheriff of Walker county; which was lost.

Mr Thornton moved that when the Senate adjourn, it will adjourn until half after six o'clock this evening; which was carried.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled:

A report and joint resolutions responsive to certain resolutions of South Carolina in relation to the Georgia and Maine controversy.

On motion of mr Hudson, the Senate adjourned.

EVENING SESSION, half-past 6 o'clock.

The Senate met pursuant to adjournment.

On motion of Mr Rodgers, the Senate then adjourned.

THURSDAY, DECEMBER 31, 1840.

The Senate met pursuant to adjournment.

Mr President laid before the Senate a document in relation to the contested election from the county of Sumter; which was referred to the committee on privileges and elections.

On motion of Mr Dent, the report of the committee on privileges and elections, together with the various documents, which have heretofore been laid upon the table, were ordered to be taken up and referred to the committee on, privileges and elections.

Mr President laid before the Senate the accounts of the Directors of the Branch Bank at Montgomery, for services rendered in said Bank.

Mr Wilson presented the petition of sundry citizens of Fayette county praying to be attached to Walker county; which were referred to the committee on county boundaries.

Mr Smith from the committee on enrolled bills, reported that they have found correctly enrolled bills of the following titles; to wit:

An act in relation to bonds given by the officers of the Bank of the State of Alabama, and its several Branches:

An act in relation to bonds given by the officers of the Bank of the State of Alabama and its several Branches:

An act to extend the time for the collection of the county school and road taxes in the county of Mobile, for the year 1840: and

An act to incorporate the town of Jasper, in the county of Walker:

Mr Phillips presented the petition of Henry W. Wallis and others, the reading of which was dispensed with.

On motion, it was referred to the committee on propositions and grievances.

Mr. Hudson from the committee on accounts and claims, to which was referred the claims of Wm. Braly, sheriff of Tuscaloosa county, for money paid to

Peter Donaldson and Matthew Duffee for boarding juries, & c. while on the trial of State prisoners, reported the same to the Senate as not being a State charge and should not be allowed, and asked to be discharged.

In which the Senate concurred.

Mr. Hudson from the same committee to which was referred the claim of William A. Austin, for twenty-eight days services as Director in travelling to and returning from the Branch of the Bank of the State of Alabama, at Huntsville, reported the same to the Senate as inexpedient and ought not to be allowed, and asked to be discharged.

In which the Senate concurred.

Mr Rice from the committee on education to which was referred a bill to be entitled, an act to amend an act, to raise a school fund to aid the valueless sixteenth sections in this State, reported the same to the Senate with the following amendment, which was adopted, to wit: strike out the second section and add the following to wit: That all laws contravening the provisions of this act, be, and the same are hereby repealed.

On motion of Mr Rice, the bill was recommitted to the committee on education.

Mr McAllister, from the committee on Indian expenditures, to which was referred the account of David Covington, reported a bill allowing the same; which was read and ordered to lay upon the table.

Mr McVay, from the committee on propositions and grievances, to which was referred a bill to regulate the practice of dental surgery, and for other purposes, returned the same to the Senate without comment, and asked to be discharged from its further consideration. The committee were discharged, and the bill placed among the orders of the day.

Mr Alston, from the committee on internal improvement and inland navigation, to which was referred a bill to be entitled an act to declare the west prong of Choctawhatchie river a public highway, reported the same back to the Senate, with the following amendments, to wit: in the eighth line of the second section, insert the word 'of' between the words 'court' and 'law;' and in the fifteenth line of the same section, insert the article 'a' between the words 'as' and 'public;' and with the amendments recommend its passage. The amendments were concurred in by the Senate, and the bill read a second time; the constitutional rule being dispensed with, the bill was read a third time and passed. Ordered, that the title remain unchanged, and that the House of Representatives be acquainted therewith.

Mr Toulmin introduced a bill to be entitled an act to provide for the authentication of the record of the circuit of Mobile county in certain cases; which was read a first time, and the constitutional rule being dispensed with, it was read a second time and ordered to be engrossed for a third reading.

On motion of Mr Creagh,

Resolved, That the committee on the State Bank be instructed to inquire into the propriety of giving the Directors of the State Bank, the branches at Montgomery, Huntsville, and Decatur, a salary of five hundred dollars; the branch at Mobile, one thousand dollars, and that no director shall receive any pay unless he serves out the time which he is elected:

Mr Rice offered the following resolution:

Resolved by the Senate, That John E. Jones, who was returned as elected a member of the Senate from the senatorial district composed of the county of Sumter, and whose election was contested by James B. Tart, is duly elected a

member of this Senate, for the period of three years, commencing from the first Monday in August last.

Which, on motion of Mr Alston, was laid upon the table.

Mr Andress offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will adjourn, sine die, on Saturday, the second day of January, eighteen hundred and forty-one.

Mr Hudson moved to amend the resolution, by striking out 'second,' and inserting 'ninth;' which was carried. Yeas 19—Nays 10.

Those who voted in the affirmative, are Messrs President, Buford, Clarke, Creagh, Dent, Hudson, Hall, Jones, King, McConnell, McVay, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative, are Messrs Alston, Andress, Farrar, Oliver, Phillips, Reese, Ross, Thornton, Wilson of F. and Womack.

Mr Hall offered the following resolution:

Resolved, That with the concurrence of the House, the two Houses will convene in the Hall of the House, this day at four o'clock, for the purpose of electing a President and six Directors of the State Bank.

Mr Hudson moved to late the resolution upon the table; which was lost. Yeas 14—Nays 16.

Those who voted in the affirmative, are messrs Alston, Buford, Dent, Hudson, King, McConnell, McVay, Oliver, Phillips, Ross, Thornton, Watrous, and Womack.

Message from the House of Representatives, by Mr Phelan:

Mr President— The House of Representatives has passed bills of the following titles:

An act to establish the general ticket system in elections for Representatives in Congress from the State of Alabama, amended as therein shewn:

An act to fix the time of the sales by the sheriffs in Greene county:

An act to incorporate the Sylvania male and female academy, in the county of Limestone:

Which originated in the Senate.

The House has passed a bill which originated in the House to be entitled an act making appropriations for the payment of certain claims against the State; and had concurred in the amendments made by the Senate to the bill authorizing Henry Hayne to erect a toll bridge across Thompson's creek in Marshal county:

The House of Representatives has concurred in the resolution of the Senate, requesting a committee of conference on the bill to repeal the part of the military law which required brigade encampment drills, and for other purposes; and has appointed messrs Walker of Benton, Winston of S. and Inge, a committee on the part of the House.

The House has also adopted a preamble and joint resolutions of the General Assembly in relation to the establishment of a land district in the Cherokee Nation.

The amendments made by the House to the bill to be entitled an act establishing the general ticket system in elections for Representatives in Congress from the State of Alabama, was concurred in by the Senate. Yeas 19-- Nays 11.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, McAllister, McConnell, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative, are messrs Alston, Address, Buford, King, McVay, Oliver, Phillips, Reese, Ross, Watrous and Womack.

A bill from the House of Representatives to be entitled an act making appropriations for the payment of claims against the State, was read the first time, and the constitutional rule being dispensed with, it was read a second time forthwith, and on motion of Mr Creagh, referred to the committee on accounts and claims.

On motion of Mr Turner,

Resolved, That with the consent of the House of Representatives, the two Houses will assemble in the hall of the House, on Thursday, the 31st December, at three o'clock, P.M. for the purpose of electing a President and six Directors, for the branch of the Bank of the State of Alabama, at Huntsville.

Mr Reese, from the committee on retrenchment, made the following report:

The committee on retrenchment, to which was referred a preamble and resolutions setting forth that the Senate had been in session upwards of eight weeks, at the public expense, without having done any thing that is of general interest to the people of Alabama, that a majority of the Senate had laid on the table a resolution to adjourn, sine die, on the seventh of January, that the said majority is not satisfied with having been in session for upwards of eight weeks, &c, and concluding with resolutions that no member of the Senate shall draw more than two dollars per day, for his services, after the fourth of January; and that if the Senate remains in session longer than the 7th of January, no member shall be entitled to draw any compensation for his services, &c, have had the same under consideration, and instructed me to report unfavorably to the adoption of the same. Your committee would respectfully suggest that they cannot concur in the premises set forth in the preamble, nor in the conclusion tendered in the resolutions. They consider the penal code which passed this body after long and painful examination, the act remodeling the chancery system of the State, the act establishing the general ticket system in our elections of members of Congress, and many others not necessary here to be recited, are all of general interest to the people of Alabama; they would, however, whilst they report against the adoption of these resolutions, out of tender regard to the consciences of those who may think themselves hard bargains to the State earnestly recommend that no exceptions may be taken by the majority of those who are thus scrupulous, only draw for the sum at which they have estimates their services.

On motion of Mr Creagh, the report was ordered to lie upon the table.

Yeas 20—Nays 9.

Those who voted in the affirmative, are messrs President, Alston, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, McAllister, McConnell, Oliver, Reese, Rice, Ross, Thornton, Toulmin, Watrous and Wilson of F.

Those who voted in the negative, are messrs Hall, Jones, King, Phillips, Rodgers, Smith, Turner, Wilson of J. and Womack.

Mr Rice from the committee on education, to which was referred a bill to be entitled an act to amend an act to raise a school fund to aid the valueless sixteenth sections in this State, reported the same to the Senate with the following amendments; strike out the word 'the' in the fifth line of the first section, and insert the word 'upon' in the same line, the following; "township having." At the end of the first section add the following, 'pro-

vided the provisions of this act shall not apply to township four, range thirteen west, in the county of Franklin."

Mr Buford moved that the bill be referred to the committee on education, which was lost.

The amendments were adopted, the bill read a second time, and ordered to be engrossed for a third reading.

Mr Hudson from the committee on accounts and claims, to which was referred the bill to be entitled an act for the payment of the Directors of the Bank of the State of Alabama and its several branches, for the year 1840, reported the same back to the Senate, amended as therein shewn, and recommended its passage. The amendment as reported by the committee was adopted by the Senate.

Mr Hudson offered an additional section to the bill, which was adopted. The bill was then ordered to be engrossed and read a third time.

Mr Alston introduced a bill to be entitled an act to regulate the damages on bills of exchange, which was read a first time, and the constitutional rule being dispensed with, on motion of Mr Alston was referred to the committee on the judiciary.

Mr Alston from the committee on divorce and alimony, to which was referred a bill to be entitled an act to divorce Almond Saunderson from his wife Susan Saunderson, reported the same back to the Senate, and asked leave to be discharged from its further consideration, which was granted. The bill was placed among the orders of the day.

Mr McConnell presented the petition of Rice Pickens and others, from Benton county, the reading of which was dispensed with, and on motion referred to the committee on county boundaries.

Mr McConnell introduced a bill to be entitled an act to repeal in part an act, entitled an act to attach a part of Benton county to Talladega county, and for other purposes, approved Dec. 23d, 1836, which was read and ordered to a second reading.

On motion of Mr Terry,

Resolved, with the concurrence of the House of Representatives, that the two houses assemble on Friday next, first day of January, at 7 o'clock, p. m. for the purpose of electing a State printer for the year 1841.

Mr Smith offered the following resolution:

Resolved, That after to-morrow, the first day of January 1841, no more new business shall be introduced into the Senate during the present session.

Mr Hudson moved to amend by adding, "except accounts and claims against the State."

Mr Wilson of J. moved to lay the resolution upon the table—which was carried.

Engrossed bill from the House of Representatives to be entitled an act to compensate Burke & Lowry of Talladega county, was read a third time and passed. Ordered, that the title remain unchanged, and that the House of Representatives be acquainted therewith.

A bill to be entitled an act to regulate the practice of dental surgery, and for other purposes, was read a second time.

Engrossed bill from the House of Representatives to be entitled an act to divorce Almond Saunderson from his wife Susan Saunderson, was read a second time and ordered to a third reading.

Mr Buford introduced a bill to be entitled an act to incorporate the Irwinton fire book and ladder company, which was read a first time, and the constitutional rule being dispensed with, it was read the second time.

On motion of Mr Creagh it was amended by striking out "one hundred" and inserting in lieu thereof "sixty." It was then ordered to be engrossed for a third reading.

Mr King moved to adjourn, which was lost.

Mr Jones moved that when the Senate adjourn, it will adjourn to meet again this evening at three o'clock, which was carried.

Mr Rice from the select committee to which was referred a bill to be entitled an act to alter the time of holding the circuit court of Morgan county, and extending the time thereof, and for other purposes, reported the same back to the Senate. The bill was placed among the orders of the day.

On motion of Mr Terry, the bill to be entitled an act to alter the time of holding the circuit court of Morgan county, and extending the time thereof; and for other purposes, was taken from among the orders of the day.

On motion of Mr Terry, the bill was then indefinitely postponed.

On motion of Mr Hudson the Senate adjourned.

EVENING SESSION, 3 o'clock.

The Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has concurred in the resolutions of the Senate proposing to go into the election of a President and six Directors for the Branch of the Bank of the State of Alabama at Huntsville, at 3 o'clock, p. m. this day —and a President and six Directors for the Bank of the State of Alabama, at Tuscaloosa, at 4 o'clock this evening — and a President and six Directors for the Branch of the Bank of the State of Alabama, at Decatur, at 7 o'clock this evening—and a judge of the county court of Lawrence county.

I am instructed by the House of Representatives to invite the Senate into the hall of the House for the purpose of electing a President and six Directors for the Branch Bank at Huntsville.

The Senate having repaired to the hall of the House of Representatives, and taken their seats, the two houses then proceeded to the election of a President and six Directors, for the Branch of the Bank of the State of Alabama, at Huntsville, a judge of the county court of Lawrence county, five Tennessee canal commissioners, and a President and six Directors for the Bank of the State of Alabama.

The two Houses first proceeded to the election of a President for the Bank at Huntsville—S. S. EWING, THO. BRANDON and Wm. FLEMING, being in nomination.

Those who voted for Mr EWING, are messrs King, Phillips and Rice, of the Senate; messrs Speaker, Ashurst, Barron, Blackshear, Blair, Bradley, Cobb, Creashaw, Davidson, Davis of L. Dixon, Fowler, Hale, Hill, Mallard, McAlpin, McClanahan, McCoy, McMillion of B. McMillion of J. Mitchell, Moore of mad. Norris, Norwood, Peters, Peterson, Provence, Roberts, Smith of J. Smith of L. Spruill, Walker of L. Wann, and Williams, of the House of Representatives—37.

Those who voted for Mr BRANDON, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, McConnell, McVay, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Adams, Adrian, Alexander, Clemens, Davis of A. Davis of B. Griffin of M. Houston, Hughs, Jones, Kelly, King, Marchbanks, McCullough, Moore of Marion, Reynolds, Russell, Saunders, Stone, Walker of B. Wilson, Winston of D. Winston of S. and Wynn, of the House of Representatives –42.

Those who voted for Mr FLEMING, are Messrs Address and Sent, of the Senate; Messrs Bates, Bell, Blount, Davenport, Doster, Douglass, Flemming, Griffin of S. Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McGill, McLemore, Moores, Prince, Rice, Shanks, Strode and Womack, of the House of Representatives–27.

Neither having received a majority of the votes given, the two Houses proceeded to vote a second time, the name of Mr FLEMMING giving been withdrawn.

Those who voted for Mr EWING, are Messrs Alston, Address, Dent, King, Oliver, Phillips, Rice, Thornton, and Womack, of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Blair, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Dixon, Doster, Flemming, Fowler, Griffin of S. Hale, Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McGill, McLemore, McMillion of B. Mitchell, Moore of Madison, Moores, Norris, Morwood, Peters, Peterson, Prince, Provence, Roberts, Shanks, Smith of J. Smith of L. Spruill, Stone, Walker of L. Wann, Williams and Womack of the House of Representatives–63.

Those who voted for Mr BRANDON, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Blackshear, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Douglass, Garrett, Griffin of M. Houston, Hughs, Jones, Kelly, King, Marchbanks, McCullough, McMillion of J. Moore of Marion, Reynolds, Rice, Russell, Saunders, Strode, Walker of B. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives–50.

Mr S. S. EWING, having received a majority of the whole number of votes given, Mr Speaker declared him duly elected President of the branch of the bank of the State of Alabama, at Huntsville, for the ensuing twelve months.

The two Houses then proceeded to the election of six Directors, for the branch bank of the State of Alabama, at Huntsville–messrs JOSEPH C. BRADLEY, JAMES W. CAMP, ISHAM, H. FENNELL, J.J. FLETCHER, JOHN J. FACKLER, JOHN PHELAN, JOSEPH RICE, JOHN T. WYCHE, and J. P. FRAZIER, being in nomination.

Those who voted for Mr BRADLEY, are Messrs President, Alston, Address, Dent, King, Oliver, Phillips, Reese, Ross, Terry, Thornton, Turner, Watrous, and Womack, of the Senate; Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Cobb, Crenshaw, Davenport, Doster, Garrett, Griffin of S. Hall, Hill, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of Mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Rice, Seawell, Shanks, Smith of J. Spruill, Wann, Williams, Winston of DeK. and Winston of S. of the House of Representatives–62.

Those who voted for mr CAMP, are Messrs President, Address, Clarke, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Ashurst, Bates, Bell, Blackshear, Blair, Campbell, Clemens, Cobb, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, McCoy, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Murphy, Norris, Perkins, Peters, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Spruill, Stone, Strode, Walker of B. Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—90.

Those who voted for mr FENNELL, are Messrs President, Alston, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Phillips, Rodgers, Smith, Terry, Toulmin, Wilson of F. and Wilson of J. of the Senate; Messrs Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hill, Hollinger, Houston, Hughs, Hunter, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Marion, Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Wann, Williams, Wilson, Winston of DeK. Womack, and Wynn, of the House of Representatives—90.

Those who voted for mr FLETCHER, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; Messrs Speaker, Alexander, Barron, Bates, Blackshear, Campbell, Cobb, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Griffin of M. Hale, Houston, Hunter, Jones, Kelly, King, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCullough, Moore of Mad. Moores, Peterson, Reynolds, Russell, Saunders, Seawell, Smith of L. Smith of L. Stone, Walker of L. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—61.

Those who voted for mr FACKLER, are Messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Oliver, Reese, Rice, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of F. of the Senate; Messrs Speaker, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blair, Blount, Bradley, Crenshaw, Davenport, Davis of L. Douglass, Fitzpatrick, Fowler, Griffin of S. Hall, Hollinger, Houston, Hughs, Hunter, Hutchinson, Inge, Jemison, Kidd, King, Langdon, Little, Mallard, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Roberts, Saunders, Seawell, Shanks, Smith of L. Spruill, Strode, Walker, of B. Walker of L. Wilson, Womack, and Wynn of the House of Representatives—85.

Those who voted for mr PHELAN, are Messrs Clarke, Creagh, Dent, Farrar, Hall, Jones, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Smith, Wilson of F. Wilson of J. and Womack of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Bradley, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of S. Hale, Hill, Houston, Hughs, Hutchinson, Jones, Kelly, Kidd, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Moores. Peters, Peterson, Provence, Reynolds, Rice, Roberts, Russell, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Reps.—79.

Those who voted for mr RICE, are Messrs Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Hall, McAllister, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. Of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Bell, Blackshear, Blair, Blount, Campbell, Clemens, Cobb, Davenport, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hall, Hill, Hollinger, Hughs, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McLemore, McMillion of B. Moore of Mad. Murphy, Norwood, Prince, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Stone, Walker of B. Walker of L. Wann, Williams, and Womack, of the House of Representatives—76.

Those who voted for mr WYCHE, are Messrs Alston, Address, Creagh, Dent, Jones, King, McConnell, Oliver, Phillips, Reese, Ross, Terry, Thornton, Turner, Watrous, and Womack of the Senate; Messrs Adams, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, McMillion of J. Mitchell, Moore of Marion, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Provence, Rice, Seawell, Shanks, Smith of L. Spruill, Strode, Walker of L. Wann, Williams, Winston of S. and Womack of the House of Representatives—72.

Those who voted for mr FRAZIER, are Messrs President, Alston, Address, Clarke, Creagh, Hudson, Hall, Jones, King, McAllister, McVay, Oliver, Rice, Rodgers, Smith, Toulmin, Watrous, Wilson of F., Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Blackshear, Blair, Blount, Bradley, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Houston, Hughs, Jemison, Jones, Kelly, Kidd, King, Mallard, Mann, Marchbanks, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B, McMillion of J. Mitchell, Moore of Marion, Norwood, Perkins, Peters, Provence, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—89.

Messrs JAMES W. CAMP, I. H. FENNELL, J. FACKLER, JOHN, PHELAN, JOSEPH RICE, and JOSEPH C. FRAZIER, having received a majority of the

whole number of voted given, Mr Speaker declared them duly elected Directors for the Branch of the Bank of the State of Alabama, at Huntsville, for the ensuing twelve months.

The two houses then proceeded to the election of a Judge of the county court of Lawrence county—JOHN B. SALE and WILLIAM B. McMAHON being in nomination.

Those who voted for Mr SALE, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin Turner, Wilson of F. Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams. Adrian, Alexander, Blackshear, Clemens, Cobb. Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Provence, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of DeK. and Wynn of the House of Representatives—65.

Those who voted for Mr McMAHON, are Messrs Alston, Address, Dent, King, Oliver, Phillips, Ross and Thornton, of the Senate; Messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Rice, Seawell, Shanks, Spruill, Winston of S. and Womack of the House of Representatives—51.

JOHN B. SALE, having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected Judge of the County Court of Lawrence county, for the ensuing six years.

The two houses then proceeded to the election of five Tennessee Canal Commissioners —ISAAC LANE, JAMES IRWIN, THO J. FOSTER, JOHN BOARDMAN, JAMES, WEAKLEY, GEORGE SIMMONS, JOHN CUNNINGHAM, BENJAMIN, INGRAM, WILLIAM RICHARDSON, JAMES M. COMMONS, being in nomination.

Those who voted for Mr BOARDMAN, are Messrs President, Alston, Address, Hudson, King, Phillips, Reese, Ross, Thornton, Turner, and Watrous, of the Senate; Messrs Speaker, Alexander, Ashurst, Barron, Blount, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Fitzpatrick, Fowler, Griffin of M. Hale, Hutchinson, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McCullough, McLemore, McMillion of J. Mitchell, Moore of Madison, Moores, Norris, Perkins, Peters, Prince, Reynolds, Russell, Saunders, Seawell, Stone, Strode, Wann and Wilson, of the House of Representatives.—54.

Those who voted for Mr CUNNINGHAM, are Messrs Clarke, Dent, Farrar, Hall, Jones, McVay, Rice, Rodgers, Smith, Terry, and Toulmin, of the Senate; Messrs Alexander, Bell, Davis of A. Davis of L. Doster, Douglass, Griffin of S. Hill, McCoy, McCullough, McGill, Reynolds, Saunders, Smith of J. Smith of L. Stone, Winston of S. and Wynn of the House of Representatives—30.

Those who voted for Mr FOSTER, are Messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, Oliver, Phillips, Reese, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Bell, Clair, Blount, Campbell, Clemens, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hutchinson, Inge, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McGill, McLemore, McMillion of J. Mitchell, Moore of Mad. Moores, Norris, Perkins, Peters, Prince, Rice, Roberts, Russell, Saunders,

Seawell, Smith of J. Stone, Strode, Wann, Wilson, Winston of S. and Womack of the House of Representatives—81.

Those who voted for Mr IRWIN, are Messrs President, Alston, Address, Creagh, Hudson, King, McVay, Phillips, Reese, Rice, Ross, Thornton, Turner, Watrous, Wilson of J. of the Senate; Messrs Speaker, Ashurst, Barron, Bates, Blair, Blount, Campbell, Clemens, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hall, Hill, Hutchinson, Inge, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McCoy, McGill, McLemore, McMillion of J. Mitchell, Moore of Mad. Moores, Norris, Peters, Prince, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Strode, and Wann of the House of Representatives—65.

Those who voted for Mr INGRAM, are Messrs Clarke, Dent, Farrar, Hall, McVay, And Rodgers of the Senate; Messrs Alexander, Ashurst, Bates, Blair, Campbell, Crenshaw, Douglass, Flemming, Hale, Hutchinson, Inge, Little, Mann, McCullough, Norris, Rice, Roberts. Smith of L. and Stone of the House of Representatives—25.

Those who voted for Mr LANE, are Messrs President, Alston, Address, Creagh, Hudson, King, Phillips, Reese, Rice, Ross, Watrous and Womack, of the Senate; messrs Speaker, Campbell, Davis of B. Fitzpatrick, Fowler, Hall, Hill, Inge, Jones, Kelly, Kidd, Langdon, Little, Mallard, Mann, McAlpin, McClanahan, McGill, McLemore, McMillion of J. Mitchell, Moore of Madison, Perkins, Reynolds, Roberts, Russell, Smith of J. Strode, and Wann, of the House of Representatives—41.

Those who voted for Mr ASHURST, are Messrs King, Phillips, Reese, Thornton, and Watrous, of the Senate; Messrs Ashurst, Barron, Bates, Bell, Blount, Crenshaw, Davidson, Davis of B. Davis of L. Doster, Fitzpatrick, Griffin of m. Griffin of S. Hall, Hutchinson, Langdon, McAlpin, McCoy, Moores, Norris, Perkins, Peters, Prince, Seawell, Stone and Wynn of the House of Representatives—30.

Those who voted for Mr WEAKLY, are Messrs President, Address, Creagh, Hudson, Jones, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of J. Of the Senate; Messrs Speaker, Alexander, Barron, Bates, Bell, Blair, Blount, Campbell, Clemens, Davidson, Davis of A. Douglass, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hill, Inge, Jones, Kelly, Kidd, Mallard, McClanahan, McCullough, McGill, McLemore, McMillion of J. Mitchell, Moore of Madison, Moores, Peters, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of L. Smith of J. Strode, Wann, Wilson, Winston of S. and Wynn, of the House of Representatives—61.

Those who voted for Mr COMMONS, are Messrs Alston, Creagh, Dent, Farrar, Hall, Jones, Rodgers, Smith, Terry, Toulmin, Turner, and Wilson of J. of the Senate; messrs Clemens, Walker of B. Wilson, Winston of S. and Wynn, of the House of Representatives—19.

Those who voted for Mr SIMMONS, are messrs Clarke, Dent, Farrar, Hall, Jones, McVay, Smith, Terry, Toulmin, and Wilson of J. of the Senate; Messrs Alexander, Bell, Blair, Clemens, Doster, Douglass, Griffin of S. Hill, McCullough, Perkins, Reynolds, Rice, Smith of L. Wilson. Winston of S. and and Wynn of the House of Representatives—26.

Messrs BOARDMAN, FOSTER, IRWIN, and WEAKLY, having received a majority of the votes given, Mr Speaker declared them duly elected Tennessee Canal Commissioners.

Neither of the others having received a majority of votes given, the two houses proceeded to vote for one Tennessee Canal Commissioner-- Messrs CUNNINGHAM, LANE and RICHARDSON, being in nomination.

Those who voted for Mr CUNNINGHAM, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Reese, Smith, Terry, Toulmin, and Wilson of J. of the Senate; messrs Speaker, Adrian, Alexan-

der, Ashurst, Bates, Blackshear, Blount, Cobb, Davidson, Davis of B. Dixon, Douglass, Griffin of S. Hale. Hill, Hollinger. Houston, Hughes, Inge, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McMillion of J. Moore of Marion, Peters, Prince, Rice, Saunders, Smith of J. Smith of L. Spruill, Stone Walker of B. Walker of L. Wann, Wilson and Winston of S. of the House of Representatives—58.

Those who voted for Mr LANE, are Messrs Alston, Address, Oliver, Phillips, Rice, Ross, Watrous, Wilson of F. and Womack, of the Senate; messrs Adams, Bell, Blair, Bradley, Davis of B. Doster, Fowler, Griffin of S. Jones, Kidd, Langdon, Mann, McMillion of B. Mitchell, Reynold, and Strode, of the House of Representatives—25.

Those who voted for Mr RICHARDSON, are messrs Thornton and Turner of the Senate; messrs Barron, Crenshaw, Davis of L. Fitzpatrick, Hall, Hutchinson, Jemison, Moore of Madison, Norris, Perkins, and Wynn of the House of Representatives—13.

MR CUNNINGHAM having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Tennessee Canal Commissioner.

The two houses proceeded to the election of a President of the Bank of the State of Alabama—JOHN MARRAST alone in nomination.

Those who voted for MR MARRAST, are messrs President, Address, Buford, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Oliver, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Blackshear, Blair, Blount, Bradley, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughes, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mallard, Mann, Marchbanks, McAlpin, McClanahan, McCoy, McGill, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of Marion, Moores, Murphy, Peters, Peterson, Prince, Reynolds, Rice, Roberts, Saunders, Seawell, Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. Womack and Wynn of the House of Representatives—104.

Mr MARRAST having received one hundred and four votes, being the whole number given, mr Speaker declared him duly elected President of the Bank of the State of Alabama.

The two houses then proceeded to the election of six Directors for said Bank—messrs Robert Caruthers, Wm. Clare, Lincoln Clark, James H. Dearing, James M. Dunlap, John Duffee, Peter Donaldson, James Guild, James Hogan, John Neilson, John M. Norment, John Owen, Jones M. Withers, and Joel White, being in nomination.

Those who voted for mr CARUTHERS, are messrs Alston, Dent, King, Oliver, McConnell, Rodgers, Thornton, And Watrous of the Senate; messrs Ashurst, Barron, Bates, Bell, Blount, Bradley, Crenshaw, Davenport, Davis of B. Doster, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of S. Hall, Hill, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McMillion of B. Mitchell, Moore of Marion, Murphy, Norwood, Perkins, Peters, Peterson, Prince, Spruill, Wann, and Womack of the House of Representatives—48.

Those who voted for Mr CLARE, are messrs President, Clarke, Creagh, Farrar, Hall, McAllister, McConnell, Reese, Rice, Rodgers, Ross, Smith,

Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Adams, Adrian, Alexander, Blackshear, Blair, Bradley, Campbell, Clemens, Cobb, Davis of A. Davis of I. Dixon, Fitzpatrick, Garrett, Griffin of M. Hale, Houston, Hughs, Hunter, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Moores, Norris, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of S. and Wynn, of the House of Representatives—67.

Those who voted for Mr DEARING, are messrs President, Address, Buford, Clarke, Creagh, Farrar, Hall, McAllister, McVay, Reese, Smith, Thornton, Toulmin, Turner, and Wilson of F. of the Senate; Messrs Adrian, Alexander, Blackshear, Blair, Campbell, Cobb, Davidson, Davis of A. Davis of L. Dixon, Douglass, Fowler, Griffin of M. Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jones, Kelly, Kidd, King, Mallard, Marchbanks, McClanahan, McCoy, McCullough, McLemore, McMillion of B. McMillion of J. Prince, Reynolds, Russell, Saunders, Smith of J. Smith of L. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—58.

Those who voted for Mr DUNLAP, are Messrs Alston, Address, Buford, Dent, King, Oliver, Reese and Womack, of the Senate; Ashurst, Barron, Bates, Bell, Blount, Bradley, Crenshaw, Davis of B. Doster, Flemming, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McGill, McLemore, Mitchell, Moore of Marion, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Spruill, Winston of DeK. and Wynn of the House of Representatives—42.

Those who voted for MR DUFFEE, are Messrs Creagh, McConnell, Reese, and Wilson of J. of the Senate; Messrs Speaker, Fowler, McMillion of B. Smith of J. Wann and Womack of the House of Representatives—10.

Those who voted for Mr DONALDSON, are messrs Farrar, Terry, Toulmin, Watrous and Wilson of J. of the Senate; messrs Davis of B. Doster, Fleming, Garrett, Griffin of M. Griffin of S. Hale, Hill, Hutchinson, McCoy, Peters, Roberts, Smith of J. Wann and Winston of DeK. of the House of Representatives—20.

Those who voted for mr GUILD, are messrs President, Alston, Address, Clarke, Dent, Hudson, Hall, Jones, King, McVay, Oliver, Reese, Rice, Rodgers, Ross, Terry, Toulmin, Turner, Watrous, Wilson of F. and Womack, of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Dixon, Douglass, Hall, Hill, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, Kidd, Langdon, Mallard, Marchbanks, McAlpin, McClanahan, McLemore, McMillion of J. Mitchell, Moore of Mad. Moores, Murphy, Norris, Norwood, Perkins, Peterson, Prince, Reynolds, Rice, Russell, Saunders, Seawell, Smith of L. Spruill, Stone, Strode, Walker of L. Wilson and Womack, of the House of Representatives—79.

Those who voted for Mr Hogan, are Messrs Alston, Address, Buford, Dent, Farrar, Hudson, King, McAllister, McConnell, McVay, Oliver, Rice, Ros, Smith, Terry, Thornton, Toulmin, Watrous, Wilson of J. and Womack, of the Senate; Messrs Speaker, Adams, Ashurst, Barron, Bates, Bell,

Blount, Bradley, Campbell, Clemens, Davenport, Davidson, Davis of B. Davis of L. Doster, Fitzpatrick, Flemming, Garrett, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McCullough, McGill, McLemore, McMillion of J. Mitchell, Moore of Mad, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Rice, Roberts, Seawell, Smith of J. Spruill, Stone, Strode, Walker of B. Walker of L. Wann and Womack, of the House of Representatives—80.

Those who voted for mr NEILSON, are messrs President, Buford, Clarke Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, Rice, Smith, Turner and Wilson of F. of the Senate; Messrs Adrian, Alexander, Blackshear, Blair, Cobb, Davis of A. Dixon, Douglass, Fowler, Hale, Hill, Houston, Hughs, Kelly, King, Mallard, Mann, Marchbanks, McClanahan, McCullough, Moore of Marion, Reynolds, Rice, Russell, Saunders, Smith of L. Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—44.

Those who voted for mr NORMENT, are messrs Oliver, of the Senate; messrs Blount, Davis of B. Hutchinson, Mann and Moore of Marion, of the House of Representatives—6.

Those who voted for mr OWEN, are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Turner, Watrous, Wilson of F. and Womack, of the Senate; messrs Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Bell, Blackshear, Blount, Bradley, Clemens, Cobb, Davenport, Davidson, Davis of A. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Hughs, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCoy, McCullough, McGill, McLemore, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moores, Murphy, orris, Norwood, Perkins, Peters, Peterson, Prince, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wilson, Winston of DeK. Winston of S. Womack and Wynn, of the House of Representatives—95.

Those who voted for mr WITHERS, are messrs President, Alston, Address, Buford, Clarke, Creagh, Hudson, Hall, Jones, McAllister, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. Wilson of J. and Womack of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blackshear, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Fowler, Garrett, Hale, Houston, Hughs, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Moores, Reynolds, Rice, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Wilson, Winston of S. Womack and Wynn, of the House of Representatives--73.

Those who voted for mr WHITE, are messrs Alston, Address, Buford, Dent, Hudson, King, McVay, Oliver, Rodgers, Ross, Terry, Thornton, Watrous, Wilson of J. and Womack, of the Senate; messrs Speaker, Adams, Ashurst, Barron, Bates, Bell, Blount, Bradley, Campbell, Clemens, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Doster, Douglass, Fitzpatrick,

Flemming, Garrett, Griffin of M. Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moore of Mad. Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Roberts, Seawell, Spruill, Stone, Strode, Walker of B. Walker of L. Winston of S. Womack and Wynn, of the House of Representatives—72.

Messrs Clare, Guild, Hogan, Owen, Withers and White, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the Bank of the State of Alabama.

The two Houses then proceeded to the election of a President of the Branch of the Bank of the State of Alabama, at Decatur—Wm. FENNELL alone being in nomination.

Those who voted for mr FENNELL, are messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of F. of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Griffin of S. Hall, Hill, Hollinger, Hughs, Inge, Jemison, Jones, Kelly, King, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Murphy, Norris, Perkins, Peterson, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker, of B. Walker of L. Wann, Wilson, Winston of DeK. and Wynn, of the House of Representatives—93.

Mr FENNELL having received ninety-three votes, being the whole number given, mr Speaker declared him duly elected President of the Branch of the Bank of the State of Alabama, at Decatur.

The two houses then proceeded to the election of six Directors for said Bank—Messrs Anderson Bean,----Carroll, -----Glass, Thos. Lyle,-----Malone,-----McLaran, Isaac Wharton, and -----Burlison, being in nomination.

Those who voted for Mr BEAN, are messrs President, Alston, Address, Clarke, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, and Wilson of F. of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Moore of Marion, Moores, Murphy, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—92.

Those who voted for Mr CARROLL, are messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Smith of F. and Wilson of J. of the Senate; Messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson,

Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Hale, Hall, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Murphy, Prince, Reynolds, Roberts, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—89.

Those who voted for Mr GLASS, are messrs President, Alston, Address, Clarke, Creagh, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Speaker, Adrian, Alexander, Barron, Bell, Blackshear, Blair, Bradley, Cobb, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Jones, Kelly, King, Langdon, Mallard, Mann, Marchbanks, McClanahan, McCullough, McGill, Moore of Madison, Moore of Marion, Moores, Murphy, Reynolds, Russell, Saunders, Seawell, Smith of L. Strode, Walker of B. Walker of L. Wann, Winston of S. and Wynn, of the House of Representatives—73.

Those who voted for MR LYLE, are messrs President, Alston, Address, Clarke, Dent, Farrar, Hudson, Jones, King, McAllister, McConnell, McVay, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fitzpatrick, Flemming, Fowler, Garrett, Griffin of M. Hale, Hall, Hill, Hollinger, Houston, Hunter, Inge, Jemison, Jones, Kelly, King, Little, Mallard, Mann, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Murphy, Prince, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Winston of DeK. Winston of S. and Wynn of the House of Representatives—86.

Those who voted for Mr Malone, are messrs President, Alston, Address, Clarke, Dent, Hudson, Jones, King, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blackshear, Blair, Blount, Bradley, Cobb, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Fowler, Griffin of M. Hale, Hall, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mallard, Marchbanks, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Moores, Murphy, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—92.

Those who voted for Mr McLARAN, are messrs President, Alston, Address, Clarke, dent, Hudson, Jones, King, McConnell, Rice, Rodgers, Ross, Smith, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Bates, Bell, Blount, Bradley, Cobb, Crenshaw, Davenport, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Flemming, Garrett, Griffin of M. Hall, Hill, Hollinger, Houston, Hughs, Hunter, Inge, Jemison, Kelly, King, Langdon, Little, Mallard, Mann, McClanahan, McGill, McMillion of B. Mc-

Million of J. Mitchell, Moore of Mad. Moores, Murphy, Prince, Reynolds, Roberts, Russell, Saunders, Seawell, Smith of J. Smith of L. Spruill, Stone, Strode, Walker of B. Walker of L, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—80.

Those who voted for Mr WHARTON, are messrs Farrar, Hall, McAllister, McVay, Reese, and Wilson of J. of the Senate; Messrs Adams, Adrian, Bates, Blackshear, Blair, Blount, Bradley, Crenshaw, Davidson, Doster, Flemming, Fowler, Garrett. Griffin of M. Hale, Hall, Hill, Hollinger, Hughs, Hunter, Inge, Jemison, Jones, Langdon, Little, Mann, Marchbanks, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Marion, Moores, Norris, Peterson, Prince, Reynolds, Roberts, Russell, Smith of J. Spruill, Stone, Walker of B. Wann, Wilson, and Winston of DeK. of the House of Representatives—53.

Those who voted for Mr BURLISON, are Messrs Creagh of the Senate; messrs Garrett and Hill, of the House of Representatives—3.

Messrs Bean, Carroll, Glass, Lyle, Malone, and McLaran, having received a majority of the whole number of voted given, mr Speaker declared them duly elected Directors of the Branch Bank of the State of Alabama at Decatur.

The Senate then proceeded to the Senate Chamber. Mr President resumed the chair.

On motion of Mr Hudson, the Senate then adjourned.

FRIDAY, January 1, 1841.

The Senate met pursuant to adjournment.

Mr Hall presented the account of Alexander Sample, sheriff of Autauga county; which was referred to the committee on accounts and claims.

Mr Wilson of F. from the committee on privileges and elections, to which was referred the petition of James B. Tart, contesting the seat of John E. Jones, senator from Sumter county, reported that from the situation of the voted supposed to be sent from said county, and the list of voters which ought to have been sent with the tickets, that it would be impossible for the committee to investigate the testimony and come to any correct conclusion, and they ask to be discharged from the further consideration thereof.

On motion of Mr Hudson, the report was ordered to lie on the table.

A message from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }
Tuscaloosa, December 31, 1840.

Sir— I have the honor th lay before the Senate, the report of the trustees of the University of Alabama.

A. P. BAGBY.

Hon J. L. F. COTTRELL.

On motion of Mr Reese, the message and accompanying report was referred to the committee on education.

Mr Rodgers from the committee on enrolled bills reported that they had examined and found correctly enrolled bills of the following titled, to wit:

An act to provide for the payment of grand and petit jurors of Dale and Wilcox counties:

An act to change the name of William Tell Dean and for other purposes:

An act to amend an act to authorize Seth Lore and William Wellborn to erect a wharf on the Chattahoochee river, in the town of Irwinton, Barbour county, approved December 23, 1837:

An act to form a company beat in the county of Marshall, and for other purposes:

An act to provide for election of sheriff in certain cases:

An act to organize and establish patrol laws for the county of Baldwin:

An act to incorporate the Tipton male and female academy:

An act to authorize the commissioners of township sixteen, range seven-teen, in Montgomery county to erect a suitable building for an academy:

An act to divorce William Haun from his wife Catharine Haun.

Mr Hudson introduced a bill to be entitled an act for the benefit of the tax collector of Marshall county; which was read a first time, and the constitutional rule being dispensed with, and the bill read a second time, the constitutional rule being further dispensed with, it was read a third time and passed.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives, for their concurrence.

Mr Hall introduced a bill to be entitled, an act to fix the time of holding the circuit courts for the county of Sumter; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Turner presented the account of William R. Hunt, jailor of Madison county; which was referred to the committee on accounts and claims.

Mr Jones offered joint resolutions of the Senate and House of Representatives, in relation to certain notes therein named, which was read a first time, and the constitutional rule being dispensed with, they were read a second time, and ordered to be engrossed for a third reading.

Mr Jones introduced a bill to be entitled an act to amend an act for the benefit of Elizabeth Morris, approved January 9th, 1836, which was read a first time, and on motion of Mr Terry, the constitutional rule requiring bills and joint resolutions to be read on three several days, was dispensed with, and the bill read a second time, and referred to a select committee, consisting of Messrs Terry, Jones and Phillips.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles:

An act to change the name of Ivey Boiett, and for other purposes, amended as therein shewn:

Also, an act making appropriations for the payment of the members of the General Assembly, and officers of the two Houses; which originated in the Senate.

The amendment made by the House to the bill to be entitled an act to change the name of Ivey Boiett, and for other purposes, was concurred in by the Senate. Ordered, that the House be acquainted therewith.

Mr Alston offered a bill to be entitled an act to establish an office of discount and deposit in the town of Demopolis in the county of Marengo; which Mr President decided to be out of order; the substance of the bill having been embraced in a former one, which had already received the action of the Senate, at its present.

Mr Reese from the committee on retrenchment, to whom was referred a resolution proposing to prohibit any member from being eligible as directors of the State Bank or its branches, whose liabilities exceed five thousand dollars, with leave to report by bill or otherwise, reported that it was inexpedient to legislate upon the subject; in which the Senate concurred.

Mr Wilson of J. from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles:

An act to amend an act for locating the seat of justice of Washington county and for other purposes:

An act to authorize the same individual to hold the office of clerk of the circuit and county courts of Marion county:

An act to authorize Henry Haynes to erect a toll bridge across Thompson's creek, in Marshall county.

Mr Creagh introduced a bill to be entitled an act to take care of the Drudge Boat, and for other purposes, which was read, and the constitutional rule being dispensed with, it was read a second timer, and on motion of Mr McConnell, referred to a select committee, consisting of Messrs McConnell, Creagh and Oliver.

On motion of Mr Alston,

Resolved, by the Senate, With the concurrence of the House of Representatives, that the two Houses will go into election of a judge of the county court of Marengo county, and also, a judge of the county court of Baldwin county, two commissioners for the Choctawhatchee river, and one for the Coosa river, at four o'clock, on Saturday the 2d of January.

Mr Smith from the committee on enrolled bills, reported that they had examined and found correctly enrolled, a bill to be entitled an act to establish the general ticket system in elections for Representatives in Congress, from the State of Alabama.

Mr Toulmin presented the petition of mayor and alderman and common council of the city of Mobile, which on motion of Mr Toulmin, was ordered to lie upon the table.

Mr McConnell presented the minority report of the commissioners of Coosa river.

To the honorable, the Senate and the House of Representatives, of the State Of Alabama, in General Assembly convened:

The undersigned, one of the commissioners appointed by his Excellency, Governor Bagby, to fill the vacancy occasioned by the resignation of Colonel George Hill, for the improvement of the navigation of the Coosa river, asks leave to report that he knows nothing of the acts of any previous board of commissioners, but presumes that they acted strictly in accordance with their duty. It is very unpleasant to be undersigned, to disagree with the other members of the present board of commissioners, in their report to your honorable bodies; but he is constrained from a sense of imperative duty to say, that the eleven last sections spoken of by the majority of the commissioners, have not been completed in a manner satisfactorily to the undersigned. He is of opinion that the work is not completed in such a manner as to secure the safe descent of Flat and Keel boats, at a low stage of water, and that it is impossible to complete the work this session in manner satisfactorily to the community. He is also of opinion, that it is very doubtful whether or not the work and plans, as at present going on, will secure at all times, a safe downward navigation. He is perfectly satisfied that an upward navigation is impracticable. He would further state to your honorable bodies, that he received his commission on the 9th day of September, and commenced the duties required on him on the next day, which duty he continued to perform until the 14th of October, at which time he was taken sick, which caused him to leave the river on the 16th, since which time, he has not been able to given the business that attention,

which would enable him to speak confidently. He states however, confidently, that the present creek, Butting Ram, and some other shoals, have not been completed in a manner of satisfactorily to him. All of which is respectfully submitted.

JAMES LAWSON, Commissioner.

Mr McConnell moved that the report be referred to a special committee; which was carried. Messrs McConnell, Watrous, and Clarke, were appointed said committee.

Mr Toulmin introduced a bill to be entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction of a supply of wholesome water, into said city, to be used for domestic purposes and the extinguishment of fires; which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and ordered to be engrossed for a third reading.

The Senate proceeded to the consideration of the ordered of the day.

Engrossed bills of the following titles, to wit:

An act to incorporate the Irwinton Fire Hook and Ladder company:

An act to provide for the authentication of the record of the circuit court in certain cases:

An act for the payment of the directors of the bank of the State of Alabama and its several branches, for the year 1840:

Were severally read a third time and passed. Ordered, that the titles of the same remain as aforesaid, and that they be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to amend an act to raise a school fund to aid valueless sixteenth sections in this State, was read third time, and on motion of Mr Hall, referred to a select committee, consisting of Messrs Hall, Jones and Farrar.

A bill to be entitled an act to repeal in part an act entitled an act to attach a part of Benton county to Talladega county, and for other purposes, approved 23d December, 1836, was read a second time, and on motion of Mr Clarke, referred to a select committee. Messrs Clarke, McConnell, and Creagh, were appointed said committee.

Engrossed bill from the House of Representatives to be entitled an act to divorce Almond Saunderson from his wife Susan Saunderson, was read a third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Mr Toulmin presented articles of agreements between the cit authorities of Mobile and Albert Sterne, which on motion of Mr Toulmin, was ordered to lie upon the table.

On motion of Mr McConnell, a bill to be entitled an act for the relief of Sarah A. Harris was taken from the table. The bill was then read a third time and passed. Yeas 16—Nays 7.

Those who voted in the affirmative, are Messrs President, Andress, Buford, Clarke, Hall, Jones, McAllister, McConnell, McVay, Oliver, Phillips, Rice, Ross, Turner, Wilson of J. and Womack.

Those who voted in the negative are Messrs Alston, Creagh., Dent, Farrar, Hudson, Terry and Toulmin.

Ordered, that its title remain unchanged, and that the House of Representatives be acquainted therewith.

Mr Hall from the select committee to whom was referred a bill to be entitled an act to amend an act to raise a school fund to aid valueless sixteenth sec-

tions in this State, reported the same back to the Senate without amendment, and recommended its passage. The bill was then placed among the ordered of the day.

On motion of Mr Hudson, the bill last mentioned was taken from among the orders of the day.

Mr Creagh moved its indefinite postponement, which was lost. Yeas 3-- Nays 20.

Those who voted in the affirmative, are Messrs Alston, Creagh, and Wilson of J.

Those who voted in the negative, are Messrs President, Buford, Clarke, Dent, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay. Phillips, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner and Womack.

The question was then shall the bill pass? which was put and carried Ordered, that its title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Terry moved that when the Senate adjourned, it will adjourn to half past three o'clock, p. m. which was carried.

On motion of Mr Hudson, the Senate adjourned.

EVENING SESSION, ½ past 3 o'clock.

The Senate met pursuant to adjournment.

Mr Rice moved that when the Senate adjourn, it will adjourn to half past six o'clock, this evening; which was carried.

Mr Ross, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to incorporate the Sylvania male and female academy, in the county of Limestone:

An act to fix the times of the sale by sheriffs, in Greene county:

Also, preamble and joint resolutions of the General Assembly of the State of Alabama, in relation to the establishment of a land district, in the Cherokee nation.

Mr Wilson of J. offered a joint resolution, authorizing Thomas Wilson to draw and receipt for the pay of George R. Griffin, deceased, late member of the House of Representatives from the county of Jackson, which was read a first time, and the constitutional rule being dispensed with, the resolution was read a second time, and the constitutional rule being further suspended, the resolution was read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent forthwith to the House of Representatives for their concurrence.

Mr Reese introduced a bill to be entitled an act for the relief of Richard Whitney, clerk of the joint examining bank committee, which was read a first time, and the constitutional rule being dispensed with, it was read a second time.

Mr Wilson of J. moved to strike out 'ninety,' in the first section, and insert 'seventy-two;' which was carried.

Mr Reese moved further to suspend the rule; which was lost. The bill was then ordered to be engrossed for a third reading.

A message from the House of Representatives by Mr Phelan:

Mr President--The House of Representatives has concurred in the resolution of the Senate, proposing to go into the election of a State printer this evening at seven o'clock, and has amended the same by adding two commissioners for Choctawhatchie river, in which the concurrence of the Senate is requested.

The House has passed a bill to compensate Burke and Lowry of Talladega county, which originated in the Senate.

A message from his Excellency the Governor, by his private secretary, J. B. Bagby:

JANUARY 1, 1841.

Mr President—I am instructed by his Excellency the Governor, to inform your honorable body, that he has approved and signed a bill of the following title, which originated in the Senate, to wit:

An act to establish the general ticket system in elections for Representatives in Congress, from the State of Alabama.

On motion of Mr Phillips, the Senate then adjourned.

NIGHT SESSION, half past six o'clock.

The Senate met pursuant to adjournment.

Mr Reese asked and obtained leave of absence for Mr Dailey, the Senator from Tallapoosa county, for the balance of the session.

Mr Hudson asked and obtained leave of absence for Mr Andress, the Senator from the county of Monroe, for the balance of the session.

Mr Buford introduced a bill to be entitled an act to appoint witness commissioners in the territories; which was read a first time, the rule being dispensed with, was read a second time and third time, and passed the Senate. Ordered, that its title remain unchanged.

Mr Hudson, from the committee of conference on the part of the Senate, to whom was referred a bill to be entitled an act to repeal that part of the military law which requires brigade encampment drills, and for other purposes, reported that the committee being equally divided, disagree to the amendments, and recommended that the Senate insist on its amendments.

On motion of Mr Hudson, the further consideration of the report and bill, was postponed until to-morrow.

Mr Rodgers, from the committee on enrolled bills, reported as correctly enrolled bills of the following titled, to wit:

An act entitled an act for the relief of Andrew J. Dozier, Cicero D. Hudson and James R. Powell:

An act to explain an act entitled an act to appoint administrators in certain cases, approved, February 5, 1840:

An act to amend an act to incorporate the Fireman's Insurance company of Mobile:

An act for the benefit of Robert Mitchell.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

A bill to be entitled an act to attach a part of the county of Butler to the county of Conecuh:

A bill to be entitled an act to incorporate the Centenary Institute of the Alabama annual conference of the Methodist Episcopal Church in the county of Dallas:

A bill to be entitled an act to authorize Henry Hunter of Dallas county to erect a gate or gates upon that part of the public road which runs through his land, opposite the town of Lexington in said county, and for other purposes:

A bill to be entitled an act abolish and establish certain election precincts therein named.

Message from the House of Representatives, by Mr Phelan, their clerk:

Mr President— I am instructed by the House of Representatives to invite

the Senate into the Hall of the House, for the purpose of electing a State Printer and two commissioners for the Choctawhatchie river.

Whereupon the Senate repaired to the hall of the House, were seated, Mr President rose and announced the object of the meeting of the two Houses.

The two houses proceeded to the election of a State Printer—Messrs HALE & PHELAN, being in nomination.

Those who voted for Messrs HALE & PHELAN, are messrs President, Buford, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Turner, Wilson of F. and Wilson of J. of the Senate; Messrs Speaker Adams, Adrian, Alexander, Barron, Blair, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Garrett, Hale, Hill, Houston, Hughes, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Moore of Marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn of the House of Representatives—66.

Messrs Bradley, Griffin of S. Hall, Langdon and Mitchell, of the House of Representatives, voted for Mr SLADE.

Messrs Hale and Phelan, having received a majority of the votes given, Mr Speaker declared them duly elected State Printers for the ensuing year.

The two houses proceeded to the election of two Commissioners for the improvement of the navigation of the Choctawhatchie River—James M. Long and Benjamin Walden, being in nomination.

Those who voted for messrs LONG and WALDEN, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Reese, Rodgers, Ross, Smith, Terry, Toulmin, Turner and Wilson of F. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Barron, Blair, Bradley, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglass, Fowler, Garrett, Griffin of S. Hale, Hall, Hill, Houston, Hughes, Jones, Kelly, King, Langdon, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McMillion of B. McMillion of J. Mitchell, Moore of mad. Moore of marion, Morris, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Walker of B. Walker of L. Wann, Wilson, Winston of DeK. Winston of S. and Wynn, of the House of Representatives—69.

Messrs Long, and Walden, having received sixty-nine votes, being the whole number given, mr Speaker declared them duly elected Commissioners for the improvement of the Choctawhatchie river.

The Senate then withdrew from the hall of the House, and returned to the Senate Chamber, and the Mr President took the chair.

The Senate then adjourned.

SATURDAY, January 2, 1841.

The Senate pursuant to adjournment.

Mr Rodgers, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act to regulate practice in courts of chancery in this State.

Mr Smith, from the same committee, reported as correctly enrolled, an act to compensate Burke & Lowrey of Talladega county.

Mr Hudson, from the committee on accounts, to whom was referred the claims of sundry individuals, reported a bill to be entitled an act making ap-

propriations for certain claims against the State, which was read and ordered to a second reading.

Mr Hudson, from the same committee, to whom was referred the claim of William R. Hunt, jailor of Madison county, for victualling Jefferson Dance, confined in jail of said county, one thousand and five days, amounting to four hundred and forty-two dollars, reported that the same should not be allowed, as said Dance has not yet been finally tried, and asked to be discharged from the further consideration thereof.

On motion of Mr Hudson, the report was laid upon the table.

Mr Reese made the following report:

The joint examining committee on the General Assembly of the State of Alabama, to whom was confided the examination of the affairs of the Bank of the State of Alabama, ask leave to report—That in the discharge of the duties assigned them, they have spared no pains, to present in a plain and simple manner, in the annexed exhibits, all the information touching the situation of our State institutions, that may be desired, either by the Legislature or the people.

In consequence of the very recent and thorough examination of the affairs of the State Bank, made by the Commissioners appointed by His Excellency, the Governor, your committee, have directed the greater portion of their labors to the procurement of information touching the solvency of the debts due the different banks, and all other matters which were deemed proper and useful to disseminate among the people.

To the annexed exhibits your committee beg leave to refer, without comment, as the result of their examination. They speak for themselves, in a language not to be misunderstood.

Exhibit A. contains a statement of the debt incurred by the State of Alabama for the capital stock of the banks, and the annual interest payable thereon. B. is a statement of all the debts due to the State Bank and branches (except the debts growing out of the cotton transactions with the State Bank) which are classed into good, doubtful, bad, and unknown. This statement is based on information derived from the members of the General Assembly, by an examination of the debts of their respective counties. The item of unknown debts is composed of those debts, as to the character of which the committee could get no information. Exhibit c. is a statement of the extended and unextended debts of the Bank of the State of Alabama. The committee intended making similar statements from each of the branch banks, but found it impracticable to arrive at any degree of certainty, from the documents in their possession: and time would not permit a call on the banks for the desired information. Your committee deem such statements valuable for this—that by a comparison of them what that based on the examination of members, will, it is thought, materially assist us in arriving at a more correct conclusion as to the character of the bank debts. For when a debt remains unextended under the liberal provisions of the late law, it is strong presumptive evidence, that it is bad, or at least doubtful.

It may be proper here to add, that while the committee take great pleasure in saying, that the debts were passed on by the Representatives of the different counties in the most candid and impartial manner, yet it must be conceded, that in many cases there was difficulty in arriving at satisfactory conclusion from a want of definite knowledge as to the pecuniary condition of the debtor.

Exhibit D. shews the amount of paper offered from the respective counties therein specified, at the State Bank, ending 1st November, 1840, during the

year. The publication of such information is thought to be proper, as tending to check any disposition of partiality, that may hereafter exist on the part of the directory, and will at the same time do an impartial directory no injury whatever.

Exhibits E. F. G. H. and I. shew the condition of the several banks therein named, at the dates therein specified.

In regard to what is termed the cotton transactions, entered into by the State Bank, your committee would refer to that part of the report of the commissioners appointed by the Governor, touching that transaction, which holds the following language: 'Our attention has been particularly directed to the cotton transactions. For it will be recollected, that this Bank has been making advances on cotton for the past two years: and notwithstanding the policy, as well as the legality has been questioned, it was persevered in until the present board of directors came into office. It is difficult to imagine any cause that will ultimately be so disastrous to the institution. Whether any thing can be done to secure the interest of the bank from serious losses. with which it is threatened, or prevent the recurrence, will be for you to determine.

Our examination extends back to the commencement of these transactions. The results of our investigation are as follows:

The number of Bales advances on is	-	-	21,624
do do received and shipped,	-	-	19,124
do do not delivered,	-	-	2,475
do do sold, as per ac't sales received,	-	-	18,290
do do unsold or ac't sales not received,			859
The amount advanced on 21, 624 bales is,	\$1,209,416	29	
" proceeds, as per ac't sales, of 18,290 bales, is	704,898	62	
" amount of reclamations from shippers, subject to the deductions of the nett proceeds of 859 bales, is	-	-	504,517 67

Now taking as data. the proceeds of the same number of bales, as per account sales of cotton already sold, gives as credit to the above \$25,770 00.

The probable amount of reclamations \$478,747 67.

In view of the vast amount of reclamations as shewn, the great number of bales never delivered, the payments, being almost universally resisted Without exception it is believed, in all large amounts) with the most confident hope of defeating the bank of its just dues; and many of the parties believed to be insolvent, or have taken measures to be so, as regards the bank.. Taking all these things into consideration, a more ruinous and reckless administration of the affairs of the bank could not well have been devised." In conclusion, your committee feel it due to the officers of the bank to say, that they were at all times, prompt and ready to render every facility in their power, to your committee in the prosecution of their labors. All of which is respectfully submitted.

W. W. MORRIS,
MILTON McCLANAHAN,
THOS. A. WALKER , of Benton.
Committee on the part of the House of Reps.
GEORGE REESE,
D. B. TURNER,
D. HALL,
Committee on the part of the Senate.

NOTE— Where the sales of cotton do not amount to the sum advanced by

the bank, the amount to be refunded by the individuals who obtained the advance, is termed "reclamation."

The report having been read, Mr Reese moved that it lay upon the table, and that one thousand copies thereof be printed.

Mr McConnell called for a division of the question; which was ordered.

The question was first taken upon laying the report upon the table, and carried.

Mr Terry then moved that two thousand copies of the report be printed; upon which motion the ayes and nays were demanded, and lost. Yeas 13-- Nays 13.

Those who voted in the affirmative are Messrs Clarke, Creagh, Hall, Jones, McVay, Reese, Rice, Smith, Terry, Thornton, Toulmin, Turner and Wilson of F.

Those who voted in the negative are Messrs President, Alston, Buford, Dent, Farrar, Hudson, McConnell, Oliver, Phillips, Rodgers, Ross, Wilson of J. and Womack.

The question then recurred upon the motion to print one thousand copies, and carried.

Mr Terry presented a communication from the Cashier of the State Bank; the reading of which was dispensed with, and referred to the committee on the State Bank.

Mr Terry, from the committee on the State Bank, to which was referred a bill to be entitled an act to regulate the interest charged by the State Bank and branches thereof, reported a substitute for said bill, and recommended its adoption.

The amendment was adopted by the Senate, and the bill read a second time. On motion of Mr Terry, the rule was dispensed with, and the bill read a third time and passed. Ordered, that the caption of the same remain as aforesaid.

Ordered, that it be sent to the House of Representatives for their concurrence.

Mr McConnell, from the committee on county boundaries, to which was referred the petition of William Cameron and others, reported a bill to be entitled an act to change the line between Talladega and Benton counties; which was read and ordered to a second reading.

Mr Thornton, from the committee on the judiciary, to which was referred a bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, reported the same back to the Senate amended as therein shewn, and recommended its passage.

The amendments were adopted by the Senate, and the bill read a second time and ordered to be engrossed for a third reading.

Mr Smith, from the committee on enrolled bills, reported as correctly enrolled, bill of the following titles, to wit:

A bill to be entitled an act making appropriations for the payment of the members of the General Assembly and officers of the two Houses:

A bill to be entitled an act to change the name of Ivey Boiett, and for other purposes.

Mr Terry, from the State Bank committee, to whom was referred the petition of the President and Directors of the Bank of Mobile, reported that it is inexpedient to grant the prayer of the petitions; in which the Senate concurred.

Mr Terry, from the State Bank committee, to which was referred a bill to be entitled an act to alter and amend the charters of the Bank of the State of Alabama and its several branches, reported the following amendments to said bill: after the word 'vaults' in the 8th line, first section, add 'or in homestead;' which was adopted. The bill was then read a second time, and ordered to be engrossed for a third reading.

Mr Terry, from the committee on the State Bank, which was instructed to make out and report to the Senate, a condensed statement, showing the indebtedness of the members of the present Legislature, and also of the several Presidents and Directors of the State Bank and its branches to said Bank and branches, shewing the amount due by each to each bank, reported the statement herewith, submitted, compiled from official documents; which on motion of Mr Terry, was ordered to lie upon the table, and one thousand copies thereof printed.

Mr Thornton, from the committee on the judiciary, to which was referred a bill to be entitled an act to regulate damages on bills of exchange, reported the same back to the Senate without amendments, and recommended its passage; which was placed among the orders of the day.

Mr Alston, from the committee on divorce and alimony, to whom was referred a bill to be entitled an act to divorce, Gertrude Tankersly, from her husband Richard Tankersly, reported the same back to the Senate as inexpedient to be passed; which was placed among the orders of the day.

Mr Terry, from the select committee, to which was referred a bill to be entitled an act for the benefit of Elizabeth Morris, amendatory to an act, approved January, 1836, reported the same back to the Senate, and recommended its passage.

The bill went among the orders of the day.

Mr Creagh from the select committee to whom was referred the bill to be entitled an act to take care of the drudge boat and for other purposes, reported the same back to the Senate without amendment and recommended its passage.

The bill went among the orders of the day.

Mr Dent offered a joint resolution to suspend the improvement of the Black Warrior river above the city of Tuscaloosa, during the year of 184 and for other purposes; which was read, and the constitutional rule being dispensed with, it was read the second time, and ordered to be engrossed for a third reading.

Mr Rodgers from the committee on enrolled, bills, reported as correctly enrolled:

A bill to alter the mode of assessing and collecting the taxes for the county of Pickens and for other purposes.

Mr Hudson offered the following resolution:

Resolved, That the Senate will not, after this day, receive any new business except such as may be reported by the House of Representatives, and accounts such as may have been incurred by the State, in carrying on the affairs of the government, and communications from the governor.

On motion of Mr McVay, it was laid upon the table.

The Senate then proceeded to the consideration of the orders of the day:

Engrossed bills of the following titles, to wit:

An act to fix the time of holding the circuit courts for the county of Sumter:

An act for the promotion of the health and convenience of the city of Mobile, by the introduction of a supply of wholesome water into said city, to be used for domestic purposes, and the extinguishment of fires:

An act for the relief of Richard Whitney, as clerk of the examining committee of the Bank:

Were severally read a third time and passed.

Ordered, that the titles of the same remain as aforesaid. Ordered, that they be sent to the House of Representatives for their concurrence.

Engrossed joint resolutions of the Senate and House of Representatives, in relation to certain notes therein specified, were read a third time and passed.

Ordered, that they be sent to the House of Representatives, for their concurrence.

Message from the House of Representatives, by Mr Phelan:

Mr President—The House of Representatives has concurred in the amendment made by the Senate, to declare the West Prong of the Chattahoochee river a public highway.

The House has also passed bills of the following titles, which originated in the Senate:

A bill for the benefit of the tax collectors of the county of Marshall;

A bill to provide for the authentication of the record of the circuit court of Mobile county in certain cases:

And have adopted joint resolutions to authorize the Governor to cause gold medals to be made and presented to Miss Mary McKerly and sisters:

Which originated in the Senate.

Also, a bill to provide for the payment of certain claims against the State:

And a bill to incorporate the Mobile female benevolent society:

In which the concurrence of the Senate is requested.

A bill from the House of Representatives to be entitled, an act making appropriations for the payment of certain claims against the State, was read a first time and the constitutional rule being dispensed with, it was read a second time, and referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives to be entitled, an act to incorporate the Mobile benevolent society, was read a first time, and the constitutional rule being dispensed with, it was read a second time.

On motion of Mr Creagh, it was referred to the committee on education.

Mr Hudson from the committee of conference, to whom was referred a bill to be entitled, an act to repeal that part of the military law, which requires brigade encampment drills and for other purposes, reported that the committee being equally divided, disagree to the amendments and recommend that the Senate insist upon their amendments.

In which the Senate concurred.

A bill to be entitled, an act to regulate the damages on bills of exchange, was read a second time.

On motion of Mr Phillips, it was indefinitely postponed. Yeas 14—Nays 9.

Those who voted in the affirmative, are Messrs President, Clarke, Farrar, Hudson, Jones, McVay, Rice, Rodgers, Ross, Smith, Toulmin, Turner, and Wilson of F.

Those who voted in the negative, are Messrs Alston, Creagh, Hall, Oliver, Reese, Terry, Thornton, Wilson of J. and Womack.

Engrossed bill from the House of Representatives to be entitled, an act to divorce Gertrude Tankersley from her husband Richard Tankersley, was read a third time, and two thirds of the senators present, not voting for its passage, it was lost. Yeas 7—Nays 15.

Those who voted in the affirmative, are Messrs Buford, Clarke, Rice, Ross, Thornton, Toulmin, and Womack.

Those who voted in the negative, are Messrs President, Alston, Creagh, Farrar, Jones, McVay, Oliver, Phillips, Reese, Rodgers, Terry, Turner, Wilson of F. and Wilson of J.

Mr Turner moved a reconsideration of the vote just taken refusing to pass the bill to be entitled, an act to divorce Gertrude Tankersley from her husband Richard Tankersley; which was carried.

The question then was 'shall the bill pass? which was decided in the negative, two thirds of the senators present, not voting for it. Yeas 13– Nays 11.

Those who voted in the affirmative, are Messrs Buford, Farrar, Hall, McVay, Oliver, Reese, Phillips, Ross, Terry, Thornton, Toulmin, Turner, and Womack.

Those who voted in the negative, are Messrs President, Alston, Clarke, Creagh, Dent, Hudson, Jones, Reese, Rodgers, Wilson of F. and Wilson of J.

Message from the House of Representatives, by Mr Phelan.

Mr President– The House of Representatives has concurred in the resolution of the Senate proposing to go into the election of judges of the counties of Baldwin and Marengo, two commissioners for the Choctawhatchee and one commissioner for Coosa river, this evening at four o'clock p. m., and has amended the same by striking out 'two commissioners for the Choctawhatchee river,' and inserting 'four commissioners for the Tombeckbee river.

In which the concurrence of the Senate is requested.

The Senate concurred in the amendments made by the House of Representatives to their resolution proposing to go into certain elections as shown in the above message.

Message from His Excellency, the Governor.

January 2, 1841.

Mr President– I am instructed by His Excellency, the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act for the relief of Andrew J. Dozier, Cicero D. Hudson, and James Powell:

An act making appropriations for the payment of the members of the General Assembly, and officers of the two Houses:

An act to change the name of Ivey Boeitt, and for other purposes: and

An act to compensate Burke and Lowrey, of Talladega county:

All of which originated in the Senate.

A bill to be entitled, an act to take care of the Drudge Boat, was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled, an act for the benefit of Elizabeth Morris, amendatory of an act approved January 9th, 1836, was read a second time.

Mr Toulmin moved to postpone the further consideration of said bill until; Monday next; which was lost.

Mr Thornton offered the following amendment to the bill:

Provided, That if William Cleaveland, Moses Murry, and other citizens of the city of Mobile, who hold any of the estate of said Wilson, by purchase from the widow of said Wilson, or through others who were purchasers from

her, shall pay within twelve months from the passage of this act, the sum of four thousand dollars, to the said Elizabeth Morris, then this law shall be of no further force or effect.

Upon the adoption of which, the yeas and nays were demanded. Yeas 7
–Nays 13.

Those who voted in the affirmative, are Messrs Clarke, Hudson, McVay, Oliver, Thornton, Toulmin, and Womack.

Those who voted in the negative, are Messrs President, Buford, Hall, Jones, Phillips, Reese, Rice, Rodgers, Ross, Terry, Turner, and Wilson of F.

The amendment was rejected; the bill was then ordered to be engrossed for a third reading.

Mr Rodgers from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

An act to declare the West Prong of the Choctawhatchee river, a public highway:

An act to incorporate the town of Eutaw, in Greene county.

Mr Cottrell introduced a bill to be entitled, an act concerning the estate of James Wilson, deceased, late an alien; which was read a first time, and the rule being dispensed with, it was read a second time.

On motion of Mr Cottrell, it was referred to a special committee, consisting of Messrs Phillips, Thornton, and Jones.

Mr Clarke from the select committee to which was referred a bill to be entitled, an act to repeal an act to attach a part of Benton county to Talladega county, reported the same to the Senate without amendment, and recommended its passage. The bill went among the orders of the day.

Mr Rodgers moved that when the Senate adjourn, it will adjourn to half after three o'clock p.m.; which was carried.

On motion of Mr Rodgers the Senate adjourned.

AFTERNOON SESSION, 3 o'clock P.M.

The Senate met pursuant to adjournment.

Mr Reese introduced a bill to be entitled, an act to abolish brigade encampment drills in certain brigades and divisions therein named; which was read a first time: the constitutional rule being dispensed with, the bill was read a second time.

On motion of Mr Ross, the words 'and the seventh brigade,' were inserted after the word 'division' in the ninth line.

The constitutional rule being further dispensed with, the bill was read a third time and passed.

Ordered, that its title remain unchanged.

Mr King from the select committee to which was referred a bill regulating dental surgery, reported a substitute therefore, which was adopted, and was then read a second time, and ordered to be engrossed for a third reading.

Message from the House of Representatives by Mr Phelan:

Mr President– I am instructed by the House of Representatives, to invite the Senate into the Hall of the House, for the purpose of electing a judge for Marengo county, a judge for Baldwin county, a commissioners of Coosa river, and four commissioners for the Tombeckbee river.

The Senate having repaired to the Hall of the House of taken their seats,

The two Houses proceeded to the election of a judge of the county court of Marengo county, Messrs JAMES A. YOUNG, T. Y. RAMSAY and ROBERT E. CLARKE, being in nomination.

Those who voted for Mr YOUNG, are Messrs Alston, Buford, Dent, King, McVay, Oliver, Phillips, Reese, Thornton, Watrous, and Womack of the senate; Messrs Ashurst, Barron, Bates, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of B. Doster, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Jones, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Rice, Shanks, Spruill, Walker of L. Womack, and Young, of the House of Representatives.— 52.

Those who voted for Mr RAMSEY, are Messrs President, Jones, Rice, and Terry, of the senate; Messrs Speaker, Houston, Mallard, Marchbanks, McClanahan, Moore of Mad. Morris, and Winston, of S. of the House of Representatives—12.

Those who voted for Mr CLARK, are Messrs Clarke, Creagh, Farrar, Hudson, Hall, McAllister, Rodgers, and Turner, of the Senate; Messrs Adams, Adrian, Alexander, Blair, Clemens, Cobb, Davis of A. Davis of L. Dixon, Douglass, Hale, Hill, Hughes, Kelly, King, McCullough, McMillion of B. McMillion of J. Moore of Marion, Reynolds, Russell, Saunders, Smith of J. Smith of L. Strode, Walker of B. Wann, Wilson, Winston of DeK. and Wynn, of the House of Representatives—38.

Mr YOUNG having received a majority of the votes given, Mr Speaker declared him duly elected judge of the county court of Marengo county.

The two Houses next proceeded to the election of a judge of the county court of Baldwin county, Messrs PATRICK BURNS and PETER C. BURNS, being in nomination.

Those who voted for Mr PATRICK BURNS, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Reese, Rice, Rodgers, Terry, Toulmin and Turner, of the Senate; Messrs Speaker, Adrian, Alexander, Blair, Clemens, Cobb, Dixon, Hale, Hill, Houston, Hughes, Jones, Kelly, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Mad. Rice, Roberts, Russell, Saunders, Smith of J. Wann, Wilson, Winston of DeK. and Winston of S. of the House of Representatives—42.

Those who voted Mr PETER C. BURNS, are messrs Alston, Buford, Dent, King, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; messrs Adams, Barron, Bates, Bradley, Campbell, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Griffin of S. Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McAlpin, McCoy, McGill, Mitchell, Moore of marion, Moores, Morris, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Reynolds, Shanks, Smith of L. Spruill, Strode, Walker of L. Womack, Wynn and Young, of the House of Representatives—59.

Mr PETER BURNS, having received a majority of votes, Mr Speaker declared him duly elected judge of the county court of Baldwin county.

The two Houses next proceeded to the election of one commissioners for the Coosa river—JOHN HILL and W. R. RYAN, being in nomination.

Those who voted for HILL, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Rice, Rodgers, Ross, Terry, Toulmin, and Turner, of the Senate; Speaker, Adams, Adrian, Alexander, Ashurst, Barron, Bates, Blair, Bradley, Campbell, Clemens, Cobb. Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fitzpatrick, Hale, Halle, Hill, Houston, Hughes, Hunter, Inge, Jones, Kelly, King, Little, Mallard, Marchbanks, McAlpin, McClanahan, McCullough, McGill, McMillion of B. McMillion of J. Mitchell, Moore of Madison, Moores, Morris, Norris, Norwood, Perkins, Peterson, Prince, Rice, Roberts, Saunders, Smith of J. Smith of L. Spruill, Strode, Walker of B. Walker of L. Wann, Wilson, Winston of S. Womack, Wynn and Young, of the House of Representatives—80.

Those who voted for Mr RYAN, are Messrs Alston, Buford, Dent, Oliver, Phillips, Thornton, Watrous and Womack, of the Senate; Griffin of S. Hollinger, Jemison.

Langdon, Mann, Moore of Marion, Perkins, Reynolds, and Shanks, of the House of Representatives—17.

Mr HILL having received a majority of the votes given, Mr Speaker declared him duly elected commissioner of the Coosa river.

The two houses then proceeded to the election of four commissioners for the improvement of the novigation of the Tombeckbee river.

Messrs John G. Creagh, Reuben Chamberlain, James H. Hawkins, Tho. L. Starke, B. L. Turner, Elias Thornton, John M. Cooper and Benjamin Taliaferro, being in nomination.

Those who voted for Mr CREAGH, are Messrs President, Alston, Buford, Clarke, Dent, Farrar, Hudson, King, McAllister, McVay, Oliver, Phillips, Rice, Ross, Toulmin, and Womack, of the Senate; Messrs Speaker, Alexander, Ashurst, Bates, Bradley, Campbell, Crenshaw, Davis of A. Doster, Fitzpatrick, Hale, Hill, Hollinger, Inge, Jemison, Langdon, Little, Mallard, McAlpin, McClanahan, McGill, McLemore, McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Norris, Perkins, Peters, Saunders, Smith of J. Smith of L. Walker of B. and Wann, of the House of Representatives—50.

Those who voted for Mr CHAMBERLAIN, are Messrs Buford, Clarke, Creagh, Dent, Farrar, Hudson, Jones, McVay, Oliver, Phillips, Rice, Terry, Thornton, Toulmin, and Turner of the Senate; Messrs Alexander, Ashurst, Bates, Bradley, Campbell, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Doster, Douglass, Fitzpatrick, Hale, Hall, Hollinger, Inge, Jemison, Jones, Kelly, Langdon, Mallard, McAlpin, McGill, McMillion of J. Moore of Madison, Norris, Norwood, Perkins, Peters, Reynolds, Saunders, Shanks, Smith of K. and Winston of S. of the House of Representatives—46.

Those who voted for Mr COOPER are Messrs President, Alston, Farrar, King, McAllister, Oliver, Phillips, Ross, Watrous and Watrous of the Senate; Barron, Blair, Bradley, Clemens, Crenshaw, Davenport, Davidson, Davis of A. Davis of B. Dixon, Doster, Fitzpatrick, Griffin of S. Hale, Hall, Houston, Hunter, Inge, King, Little, Mann, Marchbanks, McAlpin, McGill, McLemore, McMillion of J. Mitchell, Moore of Mad. Moore of Marion, Moores, Norris, Peters, Prince, Shanks, Smith of J. Smith of L. Walker of B. Wann, Wilson, Winston of DeK. and Womack, of the House of Representatives.—50.

Those who voted for Mr HAWKINS, are Messrs Clarke, Dent, of the Senate; Messrs Alexander, Bates, Hall, Hollinger, Langdon, Mallard, Mann, McLemore, Perkins, Prince, and Shanks, of the House of Representatives—13.

Those who voted for Mr THORNTON, are Messrs President, Hudson, Jones, King, McVay, Phillips, Rice, Ross, Terry, Thornton, Toulmin, Turner, Watrous and Womack of the Senate; Messrs Speaker, Adrian, Ashurst, Barron, Blair, Clemens, Cobb, Davenport, Davidson, Davis of B. Davis of L. Dixon, Douglass, Hill, Houston, Hughes, Jones, King, Marchbanks, McClanahan, Mitchell, Moore of Marion, Moores, Norwood, Reynolds, Saunders, Walker of B. Wilson, Winston of DeK. and Winston of S. of the House of Representatives—45.

Those who voted for Mr TURNER, are Messrs President, Alston Clarke, Hudson, Jones, McAllister, McVay, Rice, Terry, Thornton, Toulmin, Turner, Watrous and Womack, of the Senate; Messrs Speaker, Adrian, Barron, Blair, Campbell, Clemens, Cobb, Davidson, Dixon, Douglass, Griffin of S. Hale, Hill, Houston, Hughes, Hunter, Jemison, Kelly, King, Little, Mallard, Mann, Marchbanks, McClanahan, Moores, Reynolds, Saunders, Walker of B. Wilson, Winston of DeK. Winston of S. and Womack, of the House of Representatives—46.

Those who voted for Mr STARK, are Messrs Buford, Creagh, Dent and Terry, of the Senate; Messrs Adrian, Alexander, Ashurst, Bates, Bradley, Cobb, Davenport, Davis of A. Davis of L. Doster, Fitzpatrick, Griffin of S. Hall, Hill, Hollinger, Hughes, Hunter, Inge, Jemison, Jones, Kelly, King, Langdon, Little, Mann, McGill, McLemore, McMillion of J. Moore of Mad. Moore of Marion, Norris, Norwood, Perkins, Peters, Prince, Shanks, Smith of J. Smith of L. Wann, Winston of DeK. and Womack, of the House of Representatives—45.

Those who voted for Mr TALIAFERO, are Messrs Alston, Buford, Farrar, Jones, King, McAllister, Oliver, Ross, Thornton, Turner and Watrous of the Senate; Messrs Speaker, Adrian, Barron, Blair, Campbell, Clemens, Cobb, Crenshaw, Davenport, Davidson, Davis of B. Davis of L. Dixon, Douglass, Griffin of S. Houston, Hughes, Hunter, Jones, Kelly, Marchbanks, McAlpin, McClanahan, Mitchell, Moores, Norwood, Prince, Reynolds, Smith of J. Wann,

Wilson, Winston of S. and Womack, of the House of Representatives—44.

Messrs Creagh, Chamberlain, Cooper and Turner, having received a majority of the whole number of votes given, mr Speaker, declared them duly elected commissioners for the improvement of the navigation of the Tombeckbee river.

The Senate withdrew from the hall of the House, and returned to the Senate Chamber, and the President resumed the Chair.

Mr President laid before the Senate the following communication, to wit:

COMPTROLLER'S OFFICE,}

January 2, 1841.}

Hon. J. L. F. COTTRELL, President of the Senate.

Sir— Pursuant to a joint resolution of the General Assembly, at its present session, requiring the Comptroller to obtain from the Secretary of War, a certified copy of the account of Hart & Bosworth and John Hart, Merchants at Irwinton, Alabama, I have the honor herewith to transmit certified copies of their accounts to the Senate, which I have obtained from the War Department, as required by the Senate joint resolution, with a request that the same may be sent to the House of Representatives. Respectfully,

J. C. VANDYKE, Comp. Pub. Act.

On motion of Mr Reese, the communication with the accompanying documents were referred to a select committee, consisting of messrs Reese, Dent and Phillips.

On motion of Mr Reese, the Senate then adjourned.

MONDAY, January 4, 1841.

The Senate met pursuant to adjournment.

Mr Hudson presented the account of Henry Potter; which was referred to the committee on accounts and claims.

Mr Hudson, from the committee on accounts and claims, to whom was referred a bill from the House of Representatives, to be entitled an act making appropriations for the payment of certain claims against the State, reported the same back to the Senate with sundry amendments, as therein shewn, all of which were adopted. the bill was then read a second time.

Mr Hudson offered the following amendments, to wit: 'the following sums be and the same are hereby appropriated to pay the persons herein after named, to be paid out of any money in the treasury not otherwise appropriated, to wit:' which was adopted.

Mr Hudson moved to suspend the constitutional rule with a view of giving the bill a third reading forthwith; which was carried.

The bill was then read a third time and passed. Ordered, that the title remain as aforesaid, and that the House be acquainted therewith.

Message from the House of Representatives by mr Phelan:

Mr President— The House of Representatives has passed a bill to incorporate the Irwinton fire hook and ladder company; which originated in the Senate.

Mr Rice, from the committee on education, to which was referred a bill to be entitled an act to incorporate the Mobile female benevolent society, reported the same back to the Senate and recommend its passage; which was placed among the orders of the day.

Mr Buford, one of the joint committee raised for the purpose of examining into the affair of the abstracted leaf from the check book of the State Bank, submitted a minority report upon that subject.

Mr Dent moved that the Senate do not receive the report; upon which motion the yeas and nays were demanded. The question was then put, 'shall the report be received?'

Those who voted for its reception, are Messrs Buford, King, Oliver, Phillips, Ross and Watrous— 6.

Those who voted against the reception, are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J—17.

The report was not received.

Message from the House of Representatives by mr Phelan:

Mr President— The House of Representatives has passed a bill to be entitled an act to amend the charters of the Bank of Mobile, and the Planters and Merchants Bank of Mobile; in which the concurrence of the Senate is requested:

Engrossed bill from the House of Representatives to be entitled an act to amend the charters of the Bank of Mobile and Planters and Merchants Bank of Mobile, was read a first time, and on motion of mr Hall, indefinitely postponed. Yeas 15— Nays 10.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McVay, Reese, Rice, Rogers, Terry, Wilson of F. and Wilson of J.

Those who voted in the negative, are messrs Buford, Dent, King, Oliver, Phillips, Ross, Thornton, Toulmin, Turner and Watrous.

Message from the House of Representatives by mr Phelan:

Mr President— The House of Representatives has adopted the following resolution:

Resolved, with the concurrence of the Senate, that the two Houses will adjourn sine die, on Saturday, the 9th inst.

On motion of mr Terry, the resolution of the House was postponed until Friday next. Yeas 13— Nays 12. The yeas and nays being demanded,

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Dent, Jones, McVay, Reese, Rice, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are messrs Buford, Farrar, Hudson, Hall, King, McAllister, Oliver, Phillips, Rodgers, Ross, Watrous and Wilson of F.

Message from the House of Representatives by mr Phelan:

Mr President— The House of Representatives insists on its disagreement to the amendment of the Senate to the bill to repeal that part of the military law which requested brigade encampment drills, and for other purposes.

The message was laid upon the table.

Mr Hudson, from the committee on accounts and claims, to whom was referred an engrossed bill from the House of Representatives, to be entitled an act to provide for the payment of certain claims against the State, reported the same back to the Senate with sundry amendments, as therein shewn, which were concurred in by the Senate.

Mr Hudson offered an amendment making appropriations to sundry individuals as therein shewn: which was adopted.

Mr Turner moved further to amend by adding the following: 'to William R. Hunt, jailor of Madison county, the sum of four hundred and forty-two dollars for victualling Jefferson Dance, in the jail of said county; eleven hundred and five days: Provided, the said Hunt shall give bond with two good securities, in double the amount, to the Comptroller of the State, to refund what may be collected of the said Dance, when the final termination of the suit or indictment;' which was adopted.

On motion of Mr. Hudson, the constitutional rule was dispensed with, the
 ????????? time and passed. Ordered that the title remain as

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???????????????????????????????? enrolled bills, reported as correctly enroll-
 ??? tax collector of Marshall county:

????????????????????

?? of the record of the circuit court of

????????????????????

?? the Governor to cause gold medals to be made

??

?? the Senate adjourn, it will adjourn until half

?? which was carried.

?? sundry citizens of Jackson coun-

?? was laid on the table.

?? bill to be entitled an act for the relief of Cyn-

?? which was read, and the constitutional rule being dispensed

?? was read a second time, and ordered to be engrossed for a third read-

????????????????????

?? an act to incorporate the town of

??, and the constitutional rule being

?? was read a second time, and the rule being further dispensed

?? was read a third time.

???????? Mr Buford offered the following by way of engrossed ryder, to wit: 'Pro-
 vided nevertheless, the State retain the right to repeal or alter this law;' which was adopted.

The question was then upon the passage of the bill; which prevailed. Or-
 dered that the title remain as aforesaid, and that it be sent to the House of Rep-
 resentatives for their concurrence.'

Mr Buford presented the account of William S. Taylor; which was referred
 to the committee on accounts and claims.

Mr Terry moved to reconsider the vote taken upon the postponement of
 the bill to be entitled an act to amend the charters of the Bank of Mobile and
 the Planters and Merchants Bank of Mobile; which motion, on motion of mr
 Hudson, was postponed until to-morrow.

On motion of mr Hudson, the Senate adjourned.

AFTERNOON SESSION, half past three o'clock.

The Senate met pursuant to adjournment.

The orders of the day were taken up.

A bill to be entitled an act to repeal in part an act to attach a part of Benton
 county to Talladega county, and for other purposes, approved, December 23,
 1836, was read a second time, and on motion of mr Rice, postponed until to-
 morrow.

A bill to be entitled an act making appropriations for certain claims against
 the State, was read a second time, and on motion of mr Hudson, laid upon the
 table.

Engrossed bill to be entitled an act to equalize the rate of interest charged
 by the State Bank and its several branches, was read a third time and passed
 the Senate. Ordered, that its title remain as aforesaid.

Ordered, that it be sent to the House of Representatives for its concurrence.

A bill to be entitled an act to change the county line between Talladega and

Benton counties, was read a second time, and on motion of mr Clarke, postponed until to-morrow.

Engrossed bill to be entitled an act to amend an act entitled an act to organize and establish separate courts of chancery, was read a third time and passed. Ordered, that its title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed joint resolutions of the Senate and House of Representatives of the State of Alabama, proposing to prohibit any further improvement on the Black Warrior river above the city of Tuscaloosa, was read a third time, and on motion of mr Hudson, the consideration thereof was postponed until to-morrow.

Engrossed bill to be entitled an act to take care of the drudge boat, and for other purposes, was read a third time, and on motion of mr Toulmin, the blank in the bill was ordered to be filled with 'one hundred and fifty.' The bill was then passed. Ordered, that its title remain unchanged.

Engrossed bill to be entitled an act for the benefit of Elizabeth Morris, amendatory of an act, approved, January 9, 1836, was read a third time.

Mr McConnell moved the indefinite postponement of the bill; and the yeas and nays were demanded. Yeas 7—Nays 14.

Those who voted in the affirmative, are Messrs Dent, Creagh, McConnell, Oliver, Thornton, Toulmin and Wilson of J.

Those who voted in the negative, are messrs President, Clarke, Farrar, Jones, King, McVay, Phillips, Reese, Rice, Rodgers, Ross, Terry, Turner and Wilson of F.

The motion to postpone failed.

Mr Thornton offered the following amendment:

'And be it further enacted, That the purchasers of the said estate of the said Wilson, in the city of Mobile, from the widow of the said Wilson, and those claiming under such purchasers, shall pay to Elizabeth Morris, within twelve months from the passage of this act, an amount equal to one half in value, of said estate, exclusive of the improvements, to be estimated by arbitrators to be chosen by the said parties, then all the interest of the State of Alabama, whatever it may be, in and to the said estate, shall be and is hereby forever released and abandoned to the purchasers aforesaid.'

Mr Cottrell moved the previous question. The question was, shall the main question be not put? which was sustained.

The question was then taken upon the passage of the bill, and the yeas and nays were demanded. Yeas 14— Nays 7.

Those who voted in the affirmative, are Messrs President, Clarke, Farrar, Jones, King, McVay, Phillis, Reese, Rice, Rodgers, Ross, Terry, Turner and Wilson of F.

Those who voted in the negative, are Messrs Creagh, Dent, Hudson, McConnell, Oliver, Thornton of Toulmin.

The bill passed. Ordered, that its title remain as aforesaid.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill to be entitled an act regulating the practice of dental surgery, and for other purposes, was read a third time.

Mr Terry moved to postpone the bill indefinitely, which was lost.

Mr Hudson offered the following amendment: 'Provided, the provisions of this act shall not apply to those persons legally authorized to practice medicine on the Botanic or Thompsonian system;' which was lost.

Mr McVay offered the following amendment, to wit: 'Provided, the provisions of this act shall not apply, or have force or effect in the county of Lauderdale.'

The question was then taken upon the passage of the bill, and the yeas and nays were demanded. Yeas 12— Nays 7.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, Jones, King, McConnell, Oliver, Phillips, Rice, Ross and Thornton.

Those who voted in the negative, are messrs Dent, Hudson, McVay, Rodgers, Terry, Toulmin and Turner.

The bill passed. Ordered, that the title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Mobile female benevolent society, was read a third time and passed. Ordered, that its title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Mr Ross asked and obtained leave of absence for Mr Womack, the Senator from Butler county, for the balance of the session.

On motion of Mr McConnell, the Senate then adjourned.

TUESDAY, January 5th, 1841.

The Senate met pursuant to adjournment.

Mr Farrar introduced a bill to be entitled an act to appoint commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes, which was read a first time, the constitutional rule being dispensed with, was read a second time. The bill was considered as engrossed, and the constitutional rule being further dispensed with, the bill was read a third time and passed. Ordered, that its title remain unchanged.

Mr Jones, introduced a bill to be entitled an act for the relief of Willie D. Robbins, the tax collector of Sumter county, which was read, the constitutional rule being dispensed with, was read a second time, the constitutional rule being further dispensed with, the bill was considered as engrossed, and read a third time and passed. Ordered, that its title remain unchanged.

Mr Jones introduced a bill to be entitled an act to change the name of Wade Webb and for other purposes, which was read a first time, and on motion, the constitutional rule was dispensed with, and the bill was read a second time, and the constitutional rule being further dispensed with, and the bill being considered as engrossed, was read a third time and passed the Senate. Ordered, that the title remain unchanged.

Ordered, that it be sent to the House of Representatives for its concurrence.

Mr Dent introduced a bill to be entitled an act to authorize the Governor to have erected a State arsenal, which was read a first time. Mr Dent moved to dispense with the constitutional rule, for the purpose of giving the bill a second reading forthwith, which was lost. The bill was ordered to a second reading.

On motion of Mr Rice, the following resolution was taken from the table:

Resolved, by the Senate, That John E. Jones who was returned as elected a member of the Senate, from the Senatorial district composed of the county of Sumter, and whose election was contested by James B. Tart, is duly elected a member of this Senate, for the period of three yeas, from the first Monday in August last.

Mr Turner moved to amend the resolution, by inserting 'with the evidence before us,' to come in after the word 'elected,' which was lost.

The question then recurred upon the adoption of the resolution, and the yeas and nays were demanded. yeas 14– Nays 4.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, Hudson, Hall, McAllister, Reese, Rice, Rodgers, Terry, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are messrs Dent, McVay, Ross and Thornton.

The resolution was adopted.

Mr Rodgers from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act to incorporate the Irwinton fire-hook and ladder company.

A message from his Excellency, the Governor, by James D. Bagby, his private secretary.

EXECUTIVE DEPARTMENT,
Tuscaloosa, January 5, 1841.

Gentlemen of the Senate and of the House of Representatives:

I beg leave respectfully to impress upon your consideration the absolute necessity, in my judgment, of making an appropriation during this session of the General Assembly, for the erection of an arsenal. The public arms for several years, past, have been kept in an exposed and unsafe situation; and I have finally considered it my duty to have them removed to one of the offices in the capitol. They cannot remain where they are, without great inconvenience, and considerable exposure: nor do I know of any suitable building, which can be procured upon any terms, in which they can be permanently kept. While we continue to enjoy the peace and tranquility with which we are now favored, it may not be conceived a matter of serious importance; but I consider it due to the dignity of the State, and more especially to the safety of our people, that the means of public defence should be protected by adequate provisions.

I therefore submit the subject to your consideration, not doubting that you will dispose of it in a manner conformable to your view of propriety, and with a proper regard to the best interests of our common constituents.

(Signed) A. P. BAGBY.

The message being read, was on motion of Mr Hudson, referred to the committee on the State capitol.

On motion of Mr Ross, the vote refusing to suspend the rule for the purpose of giving a bill to be entitled an act authorizing the Governor to have erected a State Arsenal a second reading, was reconsidered. the constitutional rule was then suspended, and the bill read a second time, and on motion of Mr Hudson, the bill was referred to the committee on the State capitol.

Message from the House of Representatives by Mr Phelan:

Mr President– The House of Representatives has adopted joint resolutions in relation to the public arms; in which the concurrence of the Senate is requested.

Engrossed joint resolutions, from the House of Representatives, in relation to the public arms, was read a first time, and on motion of Mr Hall, ordered to lie upon the table. Yeas 12– Nays 10.

Those who voted in the affirmative, are Messrs Buford, Clarke, Farrar, Hall, McAllister, Oliver, Phillips, Reese, Ross, Terry, Turner and Watrous.

Those who voted in the negative, are Messrs President, Creagh, Dent, Hudson, Jones, McVay, Rice, Rodgers, Toulmin and Wilson of J.

The Senate then proceeded to the orders of the day.

The first question in order before the Senate was the reconsideration of the vote taken yesterday upon the indefinite postponement of the bill from the House of Representatives to be entitled an act to amend the charter of the Bank of Mobile and the Planters and Merchants Bank of Mobile; which prevailed.

On motion of mr Toulmin, the constitutional rule was suspended, the bill read a second time, and on motion of mr Toulmin, referred to a select committee. messrs Toulmin, Terry and Turner were appointed said committee.

Engrossed bill to be entitled an act for the relief of Cynthia Anderson, was read a third time and passed. Ordered that the title remain unchanged.

Ordered, that it be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to repeal in part an act entitled an act to attach a part of Benton county to Talladega county, approved, December 23, 1836, was read a second time, and on motion of mr Hudson, indefinitely postponed.

A bill to be entitled an act to change the county line between Talladega and Benton counties, was read a second time, and on motion of mr Clarke, indefinitely postponed.

Engrossed joint resolutions of the Senate and House of Representatives of the State of Alabama, proposing to prohibit any further improvement on the Black Warriour river above the city of Tuscaloosa, was read a third time and passed. Ordered, that the title of the name remain unchanged.

Ordered, that it be sent to the House of Representatives for their concurrence.

Message from the House of Representatives by mr Phelan:

Mr President— The House of Representatives has passed bills of the following titles; which originated in the Senate:

An act for the payment of the Directors of the Bank of the State of Alabama, and its several branches, for the year 1840.

An act for the promotion of the health and convenience of the city of Mobile, by the introduction of a supply of wholesome water into said city, to be used for domestic purposes, and the extinguishment of fires:

An act to fix the time of holding the circuit court for Sumter county:

Joint resolutions of the Senate and House of Representatives in relation to certain notes therein specified:

Also, joint resolution authorizing Thomas Wilson to draw and receipt for the pay George R. Griffin, deceased, late member of the House of Representatives from the county of Jackson.

Mr Dent moved to take from the table joint resolutions from the House of Representatives in relation to the public arms.

Mr Hall moved a call of the Senate; which was lost.

The question then recurred upon mr Dent's motion, to take from the table; which prevailed. Yeas 12— Nays 10.

Those who voted in the affirmative, are messrs President, Clarke, Creagh, Farrar, Hudson, Jones, McVay, Rice, Terry, Thornton, Thornton, Toulmin, Wilson of F. and Wilson of J.

Those who voted in the negative are messrs Buford, Hall, McAllister, Oliver, Phillips, Reese, Ross, Turner, and Womack.

The resolutions were then ordered to a second reading.

Message from his Excellency, the Governor, by his private secretary, J. D. Bagby:

JANUARY 5, 1841.

Mr President— I am instructed by the Governor, to inform your honorable body that he has approved and signed bills of the following titles, to wit:

An act to incorporate the Sylvania male and female academy, in the county of Limestone:

An act to fix the time of sales by sheriffs of Greene county:

An act for the benefit of the tax collector of Marshall county:

An act to provide for the authentication of the record of the circuit court of Mobile county in certain cases.

Joint resolution of the General Assembly of the State of Alabama in relation to the establishment of a land district in the Cherokee Nation, &c.

Joint resolutions authorizing the Governor to cause gold medals to be made and presented to Miss Mary McKerly and sisters:

All of which originated in the Senate.

Mr Toulmin introduced a bill to be entitled an act to authorize the Governor to subscribe for a portion of the stock in the Planters and Merchants Bank in Mobile; which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith.

Mr Wilson of F. moved to postpone the bill indefinitely.

Mr Toulmin moved to refer it to the committee on the State Bank; which was carried.

Mr Wilson of J. introduced a bill to be entitled an act to abolish and establish certain election precincts in DeKalb county; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Turner moved a reconsideration of the vote of yesterday, refusing to receive the minority report of Mr Buford, from the joint investigating committee on the subject of the abstraction of a leaf from the check book.

Mr Buford moved to postpone the further consideration of the motion until to-morrow; which was lost.

The question then recurred upon the motion to reconsider the vote, and the yeas and nays were demanded. Yeas 7— Nays 16.

Those who voted in the affirmative, are messrs Hall, McAllister, Oliver, Phillips, Ross, Watrous and Wilson of J.

Those who voted in the negative, are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, McVay, Reese, Rice, Rodgers, Terry, Thornton, Turner and Wilson of F.

The motion to reconsider was lost.

On motion of Mr Jones the Senate then adjourned.

WEDNESDAY, January 6, 1841.

The Senate met pursuant to adjournment.

Mr President laid before the Senate certain documents in relation to the contested election from the county of Sumter; which on motion of Mr Hudson, was laid upon the table.

Mr Creagh, presented the account of William S. Taylor ; which was referred to the committee on accounts and claims.

Mr McAllister, from the committee on Indian expenditures, to whom was referred so much of the Governor's message, as relates to that subject, reported a joint memorial and resolutions on that subject; which were read and adopted.

Mr Terry, from the State Bank committee, to which was referred a bill to be entitled an act to authorize the Governor to subscribe for a portion of the

stock of the Planters and Merchants Bank in Mobile, reported the same back to the Senate; which was placed among the orders of the day.

Mr Dent, from the committee on the State Capitol, to whom was referred a communication from the Governor, and a bill authorizing the Governor to build a State Arsenal, reported the same back to the Senate, and on motion of Mr Dent, the communication, together with the bill, was laid on the table.

Mr Terry, from the State Bank committee, to whom was referred a communication from the Cashier from the branch bank at Mobile, in relation to bank attorneys, reported that the several accounts paid bank attorneys, since the passage of an act allowing them a salary of one thousand dollars, was all correct, and the fees contained in said communication, was costs taxed in executions; which will be refunded to the bank by defendants.

On motion of Mr Terry, the report was laid on the table.

Mr Terry, from the same committee, to whom was referred a resolution instructing them to inquire into the propriety of giving the Directors of the State Bank, branch bank at Montgomery, Huntsville and Decatur, a salary of five hundred dollars; and no Director shall receive any pay unless he serves out the time for which he was elected, reported the same back to the Senate as inexpedient.

Mr Creagh moved to lay the report upon the table; which was lost.

The question then recurred upon concurring in the report made by the committee; which was carried.

Mr Terry, from the committee on the State Bank, to which was referred a communication from the branch bank at Decatur, in relation to bank attorneys, reported that they found nothing improper, except an item of two hundred dollars paid bank attorney for drawing deeds of trust, &c., which the committee were of opinion was one of the legitimate duties of a bank attorney; in which the Senate concurred.

Mr Toulmin, from the special committee, to which was referred a bill to be entitled an act to amend the charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile; reported the same back to the Senate amended as therein shewn.

Mr Hudson moved to lay the bill, together with the report and amendment, on the table; which was lost.

The question then recurred upon the adoption of the amendment by the committee; which prevailed.

Mr Cottrell moved to postpone the bill indefinitely; which was carried; Yeas 14– Nays 1.

Those who voted in the affirmative, are President, Clarke, Creagh, Farrar, Hudson, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Terry and Wilson of J.

Those who voted in the negative, are messrs Dent, Oliver, Ross, Thornton, Toulmin and Watrous.

Message from his Excellency, the Governor.

EXECUTIVE DEPARTMENT, }

Tuscaloosa, January 6, 1841. }

Sir– I have the honor to inform the Senate that Asa Parker, Esq. who was elected judge of the county court of Monroe county, declines excepting the same, and that said office is still vacant.

Hon. J. L. F. COTTRELL, . President of the Senate.

The message was laid on the table.

Mr Rodgers, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit:

An act for the payment of the Directors of the Bank of the State of Alabama, and its several branches, for the year 1840:

An act entitled an act for the promotion of the health of the city of Mobile, by the introduction of a supply of wholesome water into said city, for domestic purposes, and the extinguishment of fires:

Joint resolution authorizing Thomas Wilson to draw and receipt for the pay of George R Griffin, deceased, late a member of the House of Representatives from the county of Jackson.

Joint resolutions in relation to certain notes therein specified:

An act to fix the time of holding the circuit court of Sumter county:

An act for the relief of Sarah A. Harris:

An act to divorce Almond Saunderson from his wife Susan Saunderson :

A message from the House of Representatives, by Mr Phelan:

Mr President— The House of Representatives has passed bills of the following titles, to wit:

An act for the final settlement of the controversy between the counties of Jackson and Marshall, touching a certain claim of the former against the latter county

An act to compensate Little and Hopkins for the passage and stores of sixty four volunteer soldiers:

An act to change the times of holding the circuit courts in the first judicial circuit, which originated in the Senate.

Mr Thornton from the judiciary committee, to which was referred the petition of Candes R. Carter of the county of Autauga, reported the same back to the Senate, and asked leave to be discharged from the further consideration thereof, as the lateness of the session would not enable them to perfect and pass a bill for her relief ; in which the Senate concurred.

Mr Dent introduced a bill to be entitled an act to secure the more speedy collection of debts against incorporated companies, which was read a first time, and the rule being dispensed with, it was read a second time, and on motion of Mr Dent, referred to a special committee, with Mr Thornton for its chairman. Messrs Dent and Reese were added to said committee.

Mr Reese offered the following resolution:

Resolved, That the committee on accounts and claims be instructed to inquire into the amount of postage paid by the President of the Senate, for documents relative to the contested election from the county of Sumter, and provide for the payment of the same, by bill or otherwise.

Which, on motion of Mr Hudson, was laid on the table.

On motion of Mr Creagh,

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives on Friday the 8th inst. at the hour of four o'clock, p.m. to elect a judge for the county court of Monroe county.'

The Senate proceeded to the consideration of the orders of the day.

Engrossed joint resolutions from the House of Representatives in relation to the public arms, was read a second time.

Mr Hall offered the following amendment to said resolutions, to wit: 'And be it further resolved, That if the Governor should think it necessary to erect

an arsenal for the security of the public arms, that said arsenal shall be erected in the city of Wetumpka; which was lost. Yeas 10–Nays 12.

Those who voted in the affirmative, are Messrs President, Clarke, Creagh, Hall, McAllister, McConnell, Oliver, Reese, Ross and Turner.

Those who voted in the negative, are messrs Dent, Farrar, Hudson, Jones, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Watrous and Wilson of J.

Mr Creagh moved to strike out 'four,' where it occurs in said resolution before the word 'thousand,' with a view of inserting 'two.' A division of the question was called for, which was first taken on striking out, and prevailed.

Mr Dent moved to fill the blank with 'three;' which was lost. Yeas 10–Nays 12.

Those who voted in the affirmative, are Messrs Dent, Farrar, Hudson, Jones, Rice, Rogers, Terry, Thornton and Toulmin.

Those who voted in the negative, are Messrs President, Buford, Clarke, Creagh, Hall, McAllister, McConnell, Oliver, Reese, Ross, Turner, Watrous, and Wilson of J.

Mr Hudson moved to fill the blank with 'twenty-five hundred;' which was carried. Yeas 13–Nays 10.

Those who voted in the affirmative, are messrs President, Dent, Hudson, Jones, McConnell, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are messrs Buford, Clarke, Creagh, Farrar, Hall, McAllister, Oliver, Reese, Ross and Watrous.

Mr Hudson then moved to strike out the word 'thousand;'; which was carried.

Mr Hall offered the following amendment, to wit:

'And be it further resolved, That if the Governor shall think it necessary to erect an arsenal for the security of the public arms, that said arsenal shall be erected in the city of Mobile; which was lost. Yeas 4–Nays 17.

Those who voted in the affirmative, are messrs Hall, McAllister, Reese and Ross.

Those who voted in the negative are messrs President, Clarke, Creagh, Dent, Farrar, Hudson, Jones, McConnell, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Mr Jones moved the previous question. The question was, shall the main question be not put? which was not sustained. Yeas 9–Nays 12.

Those who voted in the affirmative, are messrs Dent, Hudson, Jones, McVay, McConnell, Rice, Rodgers, Terry and Toulmin.

Those who voted in the negative, are messrs President, Buford, Clarke, Creagh, Hall, McAllister, Reese, Ross, Thornton, Turner, Watrous and Wilson of J.

Mr Hall offered the following amendment: 'Provided, the said arsenal shall not be built or commenced until the convening of the next General Assembly; which was lost. The question was then taken on ordering the bill to a third reading, and the yeas and nays were demanded. The question was decided in the affirmative. Yeas 14–Nays 7.

Those who voted in the affirmative, are messrs President, Dent, Hudson, Farrar, Jones, McConnell, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative, are messrs Clarke, Creagh, Hall, McAllister, Reese, Ross and Watrous.

A message from the House of Representatives, by Mr Tunstall, their principal clerk:— Mr President: The House concurs in the amendment made by the Senate to the bill for the payment of certain claims against the State.

Engrossed bill to be entitled an act to abolish and establish certain election precincts in DeKalb county, was read a third time and passed. Ordered, that its title remain unchanged, and that it be sent to the House of Representatives for its concurrence.

A bill to be entitled an act to authorize the Governor to subscribe for a portion of the stock in the Planters and Merchants Bank in Mobile, was read a second time. Mr Jones moved to postpone the bill indefinitely, and the yeas and nays were demanded. Yeas 7— Nays 14.

Those who voted in the affirmative, are Messrs Clarke, Jones, McAllister, McVay, Rodgers, Terry and Wilson of J.

Those who voted in the negative, are Messrs President, Creagh, Dent, Farrar, Hudson, Hall, McConnell, Reese, Rice, Ross, Thornton, Toulmin, Turner, and Watrous. The motion to postpone failed.

Mr Hudson offered the following amendment, to come in at the end of the bill, to wit: "Provided, that the amount withdrawn shall be divided into four equal portions or payments, one portion to be withdrawn every six months." Which was adopted.

The question then recurred upon ordering the bill to be engrossed for a third reading, which was carried in the affirmative. Yeas 12— Nays 9.

Those who voted in the affirmative, are messrs President, Buford, Creagh, Dent, Hudson, Hall, McConnell, Reese, Thornton, Toulmin, Turner and Watrous.

Those who voted in the negative, are messrs Clarke, Farrar, Jones, McAllister, McVay, Ross, Terry, Rice and Wilson of J.

Mr Dent from the select committee to which was referred a bill entitled, an act to secure the more speedy collection of debts against incorporated companies, reported the same back to the Senate and recommended the following amendment, viz: insert after the word "judgment" where it occurs last in the first section, the word "nisi;" in which the Senate concurred. The bill was then read a second time. On motion of Mr Dent, the constitutional rule was dispensed with, the bill read a third time forthwith and passed.

Ordered, that the title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

Mr Rice introduced a bill to be entitled an act to change the time of holding the chancery court at Monroeville, in Monroe county, which was read, and on motion of Mr Creagh, laid upon the table.

Mr Farrar introduced a bill to be entitled, an act to authorize the county court and commissioners of roads and revenue, to levy a special tax for the building of a court house, in the county of Jefferson, which was read a first time, the constitutional rule being dispensed with, was read a second time, and the bill being considered as engrossed, was read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Jones offered the following resolution:

Resolved, That the door keeper be instructed to contract with some workman to put up a blind three feet high, around the lobby of the Senate chamber, and the State Treasurer is hereby instructed to pay a reasonable com-

pensation for the same, which was read a first time. The Senate refused to order it to a second reading.

Mr Turner moved that when the Senate adjourn, it will adjourn until four o'clock this evening, which was carried.

On motion of Mr Terry the Senate adjourned.

Evening Session, four o'clock.

The Senate met pursuant to adjournment. On motion, Senate adjourned.

Thursday, January 7, 1841.

The Senate met pursuant to adjournment.

Mr Rice from the committee on education, to whom was referred the annual report of the Trustees of the University of the State of Alabama, reported that the committee had received said report so late in the session, they could not investigate the several matters therein disclosed; but believe they are subjects well worthy of examination, and especially the cost of the President's house, which your committee are induced to believe has been rather a prejudicial expenditure of the funds of said institution; and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Rodgers from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit: An act entitled an act for the final settlement of the controversy between the counties of Jackson and Marshall, touching a certain claim of the former against the latter county; An act entitled an act to compensate Little & Hopkins for passage and stores of sixty-four volunteer soldiers of Captain Martin and Taylor's companies, from Mobile to Demopolis and Jamestown, on board the steamer Wanderer; and An act to provide for certain claims against the State.

Mr Hudson from the special committee to whom was referred the resolution in relation to foreign bills of exchange, together with the report of the judiciary committee on the same subject, reported the same back to the Senate, and asked leave to be discharged from the further consideration thereof, which was granted.

Mr Farrar introduced a bill to incorporate the town of Elyton, in the county of Jefferson, and for other purposes, which was read a first time, and the rule being dispensed with, it was read a second time, and the rule being further dispensed with, it was read a third time and passed.

Ordered, that the title of the same remain unchanged, and that the same be sent to the House of Representatives for their concurrence.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed joint resolutions from the House of Representatives, in relation to the public arms, were read a third time and passed.

Ordered, that the title of the same remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bill to be entitled an act to authorize the Governor to subscribe for a portion of the stock in the Planters & Merchants Bank in Mobile, was read a third time. Mr Jones moved to refer the bill to a select committee; which was lost. The question recurred upon the passage of the bill, which was lost. Yeas 10 — Nays 11.

Those who voted in the affirmative, are messrs President, Creagh, Dent, Hudson, McConnell, Ross, Thornton, Toulmin, Turner, and Watrous.

Those who voted in the negative, are messrs Clarke, Farrar, Hall, Jones, McAllister, McVay, Reese, Rice, Rodgers, Terry, and Wilson of J.

Mr Rodgers from the committee on enrolled bills, reported as correctly en-

rolled, a bill to be entitled an act to change the times of holding the circuit courts in the first judicial circuit.

Message from the House of Representatives, by Mr Phelan:

Mr President — The House of Representatives has concurred in the amendments made by the Senate to the bill to provide for the payment of certain claims against the State. The House has passed bills of the following titles, which originated in the Senate : An act for the relief of Cynthia Anderson : An act for the relief of Willie D. Robbins, the tax collector of Sumter county: A bill regulating punishment under the penitentiary system, amended as therein shewn. Also, bills which originated in the House of Representatives, of the following titles : An act to divorce Lucy Waller from John Waller: An act changing the name of Caroline Crow and others, and making them heirs of George Pylant, of Lowndes county, and for other purposes : An act making appropriation for the payment of certain claims against the State: An act to ascertain and fix a permanent county site for the county of Covington. The House has also passed a joint memorial in relation to French spoliations. In which the concurrence of the Senate is requested. Also, an act to appoint additional commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes, which originated in the Senate. The amendments reported by the house, were concurred in by the Senate.

Engrossed bill from the House of Representatives, to be entitled an act to change the name of Caroline Crow and others, and making them heirs of George Pylant, of Lowndes county, and for other purposes, was read a first time, and the rule being dispensed with, it was read a second time, and the constitutional rule being further dispensed with it was read a third time and passed. Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled an act to amend an act to ascertain and fix a permanent county site for the county of Covington, was read a first time, and the rule being dispensed with, it was read a second time, and the rule being further dispensed with, it was read a third time and passed. Ordered, that the title of the same remain as aforesaid, and that the House of Representatives be informed of the same.

Engrossed joint memorial and resolutions from the House of Representatives, in relation to French spoliations, were read.

Mr McConnell moved to amend by striking out "M. T." and inserting "A. J. Cotton." The memorial as amended was adopted by the Senate.

Ordered, that the title remain as aforesaid, and that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled an act making appropriation for the payment of certain claims against the State, was read a first time, and the constitutional rule being dispensed with, it was read a second time. On motion of Mr Hudson, it was referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives, to be entitled an act to divorce Lucy Waller from John Waller, was read a first time, and the constitutional rule being dispensed with, it was read a second time.

Mr Jones moved to refer the bill to a select committee, which was lost.

The constitutional rule was further suspended, and the bill read a third time and passed. Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message from his Excellency the Governor, by his private Secretary, J. D. Bagby :
 Executive Department,
 Tuscaloosa, January 6th, 1841.

Mr President — I am instructed by his Excellency the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit: An act to incorporate the Irwinton fire hook and ladder company : An act for the payment of Directors of the Bank of the State of Alabama and its several branches, for the year 1840: An act for the promotion of the health and convenience of the city of Mobile, by introduction of a supply of wholesome water into said city, to be used for domestic purposes, and the extinguishment of fires : Joint resolutions authorizing Thomas Wilson to draw and receipt for the pay of George R. Griffin, late a member of the House of Representatives from the county of Jackson : An act to fix the time of holding the circuit court for the county of Sumter : and Joint resolutions of the Senate and House of Representatives, in relation to certain notes therein specified. All of which originated in the Senate.

A message from the House of Representatives, by Mr Tunstall : Mr President — The House of Representatives has read three several times and passed the bill, making appropriations for the year, eighteen hundred and forty-one. In which the concurrence of the Senate is respectfully asked.

A bill from the House of Representatives making appropriations for the year one thousand eight hundred and forty-one, was read a first time, and the constitutional rule being dispensed with, it was read a second time.

Mr Hudson moved to amend the bill by adding to the appropriation made in the Comptroller of Public Accounts, the further sum of two hundred and sixty dollars for clerk hire; which was lost.

Mr Creagh moved to refer the bill to a special committee ; which was carried. Messrs Creagh, Hudson and Dent, were appointed said committee.

Mr Rodgers, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act making appropriations for the payment of certain claims against the State.

On motion of mr Rodgers, mr McAllister was added to the committee on enrolled bills.

Mr Reese made the following report:

The select committee, to whom was referred a communication of the treasury department, covering the accounts of Hart & Bosworth and John Hart, have examined the subject, and your committee find that Hart & Bosworth received by an act of Congress, passed July last, the sum of twelve hundred and eighteen dollars and seven cents, for blankets, powder, lead and camp equipage and articles taken by order of Gen. Irwin during the Creek Indian hostilities: and your committee find by act of this Legislature, approved, January 9, 1840, that Hart & Bosworth received the sum of one thousand and eighty dollars and seven cents, for blankets, powder, lead, camp equipage and articles taken from them by order of Gen. Irwin, for the use of the troops under his command during the late Creek Indian hostilities. Your committee have made diligent search for the account of Hart & Bosworth, for which this Legislature paid them the sum before mentioned but have been unable to find it in any of the offices; and your committee, though relying upon their recollection of the account, which seems to have been abstracted, and the account sent in from the treasury department, have no doubt but the account paid by this Legislature, is identically the same paid by Congress at their session. Congress, by an act passed July the 21, 1837, appropriated the sum of one thousand and

ninety-three dollars and eighty-three cents, for guns, powder, lead, blankets, camp equipage and articles taken from him for the use of the troops under Gen. Irwin, during the late Creek Indian hostilities; and your committee find by an act of this Legislature, approved January 9, 1840, the sum of one thousand and ninety-three dollars and eighty-three cents, the precise amount paid said Hart, by Congress, and for guns, powder, lead, blankets and camp equipage and articles taken from his for the use of the troops under the command of General Irwin, during the late Creek Indian hostilities. Your committee, after diligent inquiry, have been unable to find this account, but believe it to be the identical account for which Hart received pay from Congress; and but for the abstraction of said account, your committee believe, upon comparing them, they would appear so; all of which is respectfully submitted.

Mr Hudson moved to recommit the communication to the same committee, with instructions to report resolutions instructing the proper officer to commence suit against the parties alluded to in said report; which was carried.

Mr Terry, from the committee on the State Bank, in obedience to a resolution of the Senate in relation to bank attorneys, reported that the course pursued by said bank in relation to bank attorneys, is the correct one, and nay deviation from it, is not only improper, but an infraction of the act allowing said attorneys one thousand dollars; in which report the Senate concurred.

Mr Hall offered the following resolution:

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That, the Governor be, and he is hereby authorized to appoint a suitable person to take charge of the penitentiary, if he should think it necessary for the protection of said building.

Which was read a first time, and the rule being dispensed with, it was read a second time, and the rule being further dispensed with, it was read a third time; and on the question of its passage, the yeas and nays were demanded. Yeas 16 — Nays 1.

Those who voted in the affirmative, are messrs President, Clarke, Dent, Farrar, Hudson, Hall, Jones, McAllister, Reese, Rice, Rodgers, Terry, Thornton, Toulmin and Turner.

Mr Creagh voted in the negative. The resolution passed. Ordered, that it be sent to the House of Representatives for their concurrence.

Mr Terry offered the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the door keepers of their respective Houses proceed to illuminate the capitol on the night of the eighth of January, 1841, in commemoration of the distinguished victory achieved by the American arms, near the city of New Orleans, on the eighth day of January, in the year of our Lord, one thousand eight hundred and fifteen.

Which was adopted.

Mr Hudson moved that when the Senate adjourn, it will adjourn to four o'clock this evening. On motion of Mr Hudson, the Senate then adjourned.

Evening Session, four o'clock.

The Senate met pursuant to adjournment. Mr Rice made the following report: The committee on federal relations, to which was referred a resolution of the State of Vermont in relation to the amendment of the constitution of the U. States, relative to the eligibility of the President thereof, have had the same under consideration, and have instructed me to report inasmuch as said resolution proposes a radical change in the constitution on a subject, under

which these States have acted about fifty years, and in the general, having been satisfied with its provisions; and whereas said resolutions came into the possession of the Senate at a late period of its session, therefore,

Be it Resolved, That inasmuch as the said subject requires mature deliberation, and involves great interests: and whereas the Senate is now about to adjourn, sine die, that said committee be excused from any action upon said resolutions. Which was concurred in by the Senate.

Mr Hudson, from the committee on accounts and claims, to whom was referred an engrossed bill from the House of Representatives to be entitled an act making appropriations for the payment of certain claims against the State, reported the same back to the Senate with sundry amendments as therein shewn; in which the Senate concurred.

Mr Hudson offered an amendment as an additional section to the bill, allowing certain claims against the State; which was adopted.

The bill was then read a second time, the constitutional rule being dispensed with, the bill was read a third time and passed. Ordered, that the House of Representatives be acquainted therewith.

Message from the House of Representatives by Mr Phelan:

Mr President — The House of Representatives has passed a bill making appropriations for the payment of claims against the State, amended as therein shewn. On motion of Mr Hudson, the Senate concurred.

Mr Hall introduced a bill to be entitled an act for the better government of slaves; which was read a first time. Mr Rice moved to lay the bill upon the table; which was carried. Yeas 11 — Nays 7.

Those who voted in the affirmative, are messrs Creagh, Dent, Farrar, Hudson, McAllister, McVay, Rice, Rodgers, Thornton, Toulmin and Wilson of J.

Those who voted in the negative, are messrs Clarke, Hall, Reese, Ross, Terry and Turner.

Mr Reese, from the select committee, to which was recommitted the report and documents in relation to the appropriations made by the last session of the Legislature to messrs Hart & Bosworth, merchants of Irwinton, Barbour county, Alabama, reported a joint resolution of the Senate and House of Representatives, requiring the Attorney General to take such measures, if there be any legal means by which it can be done, to recover back for the State, a certain amount of money which has been improperly appropriated, and paid to Hart & Bosworth and John Hart, merchants of Irwinton, Alabama, by an act of the Legislature, approved the ninth of January, 1840; which resolution was read a first time, the constitutional rule being dispensed with, it was read a second time. Mr Rice offered the following amendment, to wit: 'and that they be severally indicted for swindling, if in the opinion of an Attorney General, they are guilty of that offence;' which was adopted.

The resolution was considered as engrossed, and the constitutional rule being further dispensed with, the resolution was read a third time and passed. Ordered, that its title remain unchanged.

Message from the House of Representatives by Mr Phelan — Mr President: The House of Representatives has passed a bill to be entitled an act to wind up the Courtland land office; in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act to wind up the Courtland land office, was read a first time, the constitutional rule requiring bills and joint resolutions to be read on three several days was dispensed with, and the bill was read a second time. Mr Creagh moved to strike out the second section of the bill; which is as follows, to wit:

And be it further resolved , That it shall be lawful for all persons who have purchased lands, which have been or may be forfeited for non-payment, to make payment for the same at any time before the first day of February, 1848 ; and that it shall be the duty of the Secretary of State, on said first day of February, 1842, to offer at public sale all the lands belonging to said office, which may be forfeited or remain unsold after having given thirty days previous notice of the sale in three newspaper printed in North Alabama.'

The yeas and nays being desired, are yeas 8—nays 14.

Those who voted in the affirmative, are messrs President, Clarke, Hudson, McAllister, McVay, Reese, Rice, Rodgers, Ross, Terry, Thornton, Toulmin, Turner and Wilson of J. The motion to strike out the second section was lost.

The constitutional rule being further dispensed with, the bill was read a third time and passed. Mr Creagh, moved to amend the caption of the bill, by adding, and to extend the time of paying for land; which was lost. Ordered that the title of the bill remain unchanged.

Ordered that the House of Representatives be acquainted therewith.

Message from the House of Representatives by mr Phelan—Mr President; The House has passed a bill for the re-covering of the State Capitol, and for other purposes in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act for the recovering of the State Capitol , and for other purposes, was read a first time. Mr Hall moved to lay the bill upon the table; which was lost. Yeas 8—Nays 11.

Those who voted in the affirmative are messrs President, Clarke, Creagh, Hall, McAllister, McConnell, Reese and Ross.

Those who voted in the negative are messrs Dent, Farrar, Hudson, McVay, Rodgers, Rice, Terry, Thornton, Toulmin, Turner and Wilson of J.

The bill was then ordered to a second reading.

On motion of mr Reese, the Senate adjourned.

FRIDAY, January 8, 1841.

The Senate met pursuant to adjournment.

Mr Rodgers from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, to wit:

An act making appropriations for the payment of claims against the State:

An act to incorporate the Mobile Female Benevolent society:

An act for the relief of Cynthia Anderson :

An act entitled an act to appoint additional commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes:

An act entitled an act for the relief of Willie D. Robbins, of Sumter county.

Mr Hall presented the account of A. Sample, sheriff of Autauga county; which was referred to the committee on accounts and claims.

Mr Creagh, from the select committee , to which was referred an engrossed bill from the House of Representatives to be entitled an act making appropriations for the year one thousand eight hundred and forty-one, reported the same back to the Senate without amendment, and recommended its passage. The bill was placed among the orders of the day.

On motion of mr Hudson, the bill making appropriations for the year, one thousand eight hundred and forty-one, was taken from among the orders of the day. The bill was then read a second time. On motion of mr Hudson, the constitutional rule was dispensed with, and the bill was read a third time and passed. Ordered, that title remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

Mr Terry offered a joint resolution of the General Assembly, sanctioning the suspension of specie payments by the State Bank and the several branches thereof ; which was read a first time. On motion of Mr Terry to dispense with the constitutional rule for the purpose of giving the resolution a second reading forthwith, the yeas and nays were demanded . Yeas 17—Nays 1.

Those who voted in the affirmative , are messrs President. Clarke, Dent, Farrar, Hudson, Hall, McConnell, McVay, Reese, Rice, Ross, Terry, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Mr Creagh, voted in the negative.

The constitutional rule was dispensed with, and the resolution was read a second time, and on motion, the rule was further dispensed with, and the resolution was read a third time and passed the Senate by yeas and nays. Yeas 16—Nays 4.

Those who voted in the affirmative, are messrs President, Clarke , Dent, Farrar, Hudson, Hall, McConnell, McVay, Reese, Rice, Ross, Terry, Thornton, Turner, Watrous and Wilson of J.

Those who voted in the negative, are messrs Creagh, McAllister, Rodgers and Toulmin.

Ordered , that the title of the resolutions remain unchanged. Ordered—that they be sent to the House of Representatives for their concurrence.

The Senate proceeded to the consideration of the orders of the day.

The resolution of the House of Representatives proposing that the two Houses of the General Assembly will adjourn, sine die, on Saturday the ninth instant, being the special order of the day, came up for consideration, and was concurred in. Ordered, that the House of Representatives be acquainted therewith immediately.

Engrossed bill from the House of Representatives to be entitled an act for the recovering of the State Capitol, and for other purposes, was read a second time. Mr Hall moved the indefinite postponement. Mr Reese moved to postpone the further consideration of the motion to postpone indefinitely, until to-morrow which was decided in the affirmative. Yeas 9—Nays 11.

Those who voted in the affirmative , are messrs President, Clarke, Creagh, Hall, McAllister, McConnell, Reese, Ross and Watrous.

Those who voted in the negative , are Messrs Dent, Farrar, Hudson, McVay, Rice, Rodgers, Terry, Thornton, Toulmin, Turner and Wilson of J.

The motion to postpone till to-morrow prevailed, as it only requires one third of the members present in postpone a motion when first introduced.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles, which originated in the Senate:

A bill to abolish and establish certain election precincts in DeKalb county, amended as therein shewn—the caption also amended; in which the concurrence of the Senate is requested.

A bill to incorporate a female seminary in the county of Perry, and town of Marion: A bill to change the name of Waid Webb, and for other purposes:

A bill to levy a special tax for the county of Morgan:

A bill to change the time of holding the county court of Dallas county:

A bill to authorize the Directors of the Florence Bridge company to establish rules: A bill to alter the time of holding the spring term of the circuit court in certain counties therein named:

A bill to change the time of holding the county court of Tallapoosa county:

A bill to incorporate the Greensborough Lyceum in the town of Greensborough; which originated in the House of Representatives:

A bill to incorporate the town of Elyton in the county of Jefferson and for other purposes:

A bill to authorize the judge of the county court and commissioners of roads and revenue, to levy a special tax for the building of a court house in the county of Jefferson.

The House of Representatives has adopted a joint memorial to the Congress of the United States.

The House has also concurred in the resolution of the Senate requiring the door keepers of the two Houses to illuminate the Capitol on the night of the eighth instant, in commemoration of the victory achieved by the American arms, near the city of New Orleans.

Mr Toulmin offered an amendment to the amendment of the House of Representatives to the bill to abolish and establish certain elections precincts in the county of DeKalb and for other purposes, by adding an additional section, and as amended, the amendments of the House concurred in.

Engrossed bill from the House of Representatives to be entitled an act to incorporate the Greensborough Lyceum, in the town of Greensborough, was read a first time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third time forthwith and passed. Ordered, that the title remain unchanged.

A message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has passed bills of the following titles:

An act fixing the time of election and the tenure of office of the inspectors of turpentine, bagging, rope &c. in the city of Mobile:

An act to incorporate the Marion female association:

Also, a joint resolution, in which the concurrence of the Senate is asked.

Engrossed bill from the House of Representatives, to be entitled an act fixing the time of election and the tenure of office of the inspectors of tar, turpentine, bagging, rope, &c in the city of Mobile, was read a first time, the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third times, and passed forthwith. Ordered, that its title remain unchanged.

Engrossed bill from the House of Representatives, to be entitled an act to incorporate the Marion female association, was read a first time, and the constitutional rule being dispensed with, was read a second and third time and passed the Senate forthwith. Ordered, that its title remain unchanged.

Ordered, that the House of Representatives be acquainted therewith.

Engrossed joint resolution from the House of Representatives:

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That his Excellency, the Governor shall appoint one of the penitentiary commissioners, to act as Warden to the penitentiary until the next session of the General Assembly of this State, who shall receive no other compensation than as commissioner of said penitentiary. Mr Wilson of J. moved to lay the resolution on the table. The yeas and nays being demanded.

Those who voted in the affirmative, are messrs Farrar, Hall, Jones, Reese, Ross, Thornton, and Wilson of J.

Those who voted in the negative, are Messrs President, Clarke Creagh,

Dent, Hudson, McConnell, McVay, Rice, Rodgers, Terry, Toulmin, Turner and Watrous.

The motion to lay on the table was lost.

Mr Hudson moved to dispense with the constitutional rule requiring bills to be read on three several days. The yeas and nays being desired.

Those who voted in the affirmative are messrs President , Clarke, Creagh, Dent, Hudson, McConnell, McVay, Rice, Rodgers, Terry, Thornton, Toulmin and Watrous—13.

Those who voted in the negative, are messrs Farrar, Hall, Jones, Reese, Ross and Wilson of J. —6.

The motion to suspend failed . The resolution was then ordered to a second reading.

A message from his Excellency the Governor, by his private secretary:

Mr President—I am instructed by his Excellency the Governor to inform your honorable body, that he has approved and signed bills of the following titles:

An act for the final settlement of the controversy between the counties of Jackson and Marshall touching a certain claim of the former against the latter county:

An act to compensate Little and Hopkins for passage and store of sixty-four volunteer soldiers of Captain Martin and Taylor's company from Mobile to Demopolis and Jamestown on board the Steamer Wanderer :

An act to alter the times holding the courts in the first judicial circuit:

Mr Creagh moved to take from the table a bill to be entitled an act to change the time of holding the chancery court at Monroeville, in Monroe county; which was carried; the bill was then read the first time.

Mr Hall moved to indefinitely postpone the bill, which was lost.

Mr Creagh moved to dispense with the rule requiring bills to be read on three several days, which motion was lost; the bill was then ordered to a second reading.

Message from the House of Representatives by Mr Phelan:

Mr President—The House of Representatives has passed a bill in relation to the resumption of specie payments by the Bank of the State of Alabama and its several Branches and for other purposes, in which the concurrence of the Senate is requested.

Engrossed bill from the House of Representatives to be entitled an act in relation to the resumption of specie payments by the Bank of the State of Alabama and its several Branches and for other purposes , was read.

Mr Creagh moved to postpone the bill indefinitely; which was lost. Yeas 7—Nays 12.

Those who voted in the affirmative are Messrs Clarke, Creagh, McConnell, McVay, Rice, Terry and Toulmin.

Those who voted in the negative, are Messrs, President, Buford, Dent, Farrar, Hudson, Hall, Jones, McAllister, Rodgers, Ross, Turner and Watrous.

Mr Cottrell moved to suspend the constitutional rule, which was carried; the bill was then read the second time.

Mr Cottrell moved to strike out the second section; which was carried. Yeas 9—Nays 8.

Those who voted in the affirmative are Messrs President , Clarke, Creagh, Hudson, McVay, Rice, Rodgers, Terry, and Toulmin.

Those who voted in the negative , are Messrs Dent, Farrar, Hall, Jones, Ross, Thornton, Watrous and Wilson of J.

Mr Creagh offered the following amendment, to wit: Sec. 2. The President of the State Bank and the Presidents of the Branch Banks of Montgomery, Mobile, Huntsville and Decatur, shall severally pay to any person the sum of five dollars in specie, whenever that amount of their paper shall be presented.

Mr Dent moved to postpone the bill, together with the amendment, until to-morrow.

Mr Watrous moved to postpone the further consideration of that motion until to-morrow; which was lost.

The question then recurred upon the motion of Mr Dent to postpone the bill and amendment ; which was lost.

The question was then taken upon the adoption of Mr Creagh's amendment; which was lost. Yeas 7—Nays 10.

Those who voted in the affirmative, are messrs President, Creagh, Hudson, Rice, Terry Thornton, and Toulmin.

Those who voted in the negative, are messrs Buford , Clarke, Dent, Jones, Hall, McVay, Rodgers, Ross, Turner, and Watrous.

Mr Hudson moved to suspend the constitutional rule, which was lost.

The question was then on ordering the bill to a third reading, which was refused. Yeas 6—Nays 11.

Those who voted in the affirmative are messrs President, Creagh, Dent, Hall, Jones, McAllister, McVay, Ross, Thornton, Toulmin, Turner and Watrous.

A message from his Excellency the Governor; by his private secretary ,J. D. Bagby:

JANUARY 8, 1841.

Mr President— I am instructed by his Excellency the Governor, to inform your honorable body that he has approved and signed bills of the following titles, to wit:

An act making appropriations for the payment of certain claims against the State:

An act for the relief of Cynthia Anderson:

An act to appoint additional commissioners for the town of Jefferson, in the county of Cherokee, and for other purposes:

An act for the relief of Willie D. Robbins, the tax collector of Sumter county:

All of which originated in the Senate.

Mr Rodgers, from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act making appropriations for the year one thousand eight hundred and forty one.

Mr Hudson, from the committee on accounts and claims, to whom was referred the account of A. Sample, late sheriff of Autauga county, for boarding guard, &c. reported the same back to the Senate as not properly authenticated, and not to be allowed: in which the Senate concurred.

Mr Terry introduced a bill to be entitled an act to authorize Lydia Harbison to adopt Elizabeth Smith as her heir at law, which was read a first time, and the constitutional rule being dispensed with, the bill was read a second time, and the rule being further dispensed with, the bill was read a third time, and passed. Ordered, that the titled remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Mr Hudson introduced a bill to be entitled an act to compensate J. C. Van

Dyke for clerk hire in the office of Comptroller, in the year 1840, which was read a first time. Mr Hudson moved to suspend the constitutional rule, with a view of giving the bill second reading, which was lost. The question was then taken on ordering the bill to a second reading, which was refused.

Mr Dent moved that when the Senate adjourn, it will adjourn to four o'clock, which was carried.

On motion of Mr Hall, the Senate then adjourned.

EVENING SESSION, four o'clock.

The Senate met pursuant to adjournment.

Mr Ross, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to incorporate the town of Elyton, in the county of Jefferson, and for other purposes:

An act to incorporate a female academy in the town of Marion, Perry county:

An act to change the name of Waid Webb, and for other purposes:

An act to levy a special tax for the county of Morgan:

An act to alter the time of holding the spring term of the circuit court in certain counties therein named:

An act to change the time of holding the county court of the county of Tallapoosa:

An act to authorize the Directors of the Florence Bridge company to establish rules:

An act to change the time of holding the county court of Dallas county:

An act to authorize the judge of the county court and commissioners of roads and revenue, to lay a special tax for the purpose of building a court house in the county of Jefferson:

Also, a joint memorial to the Congress of the United States.

A message from the House of Representatives by mr Phelan:

Mr President—I am instructed to invite the Senate into the Hall of the House for the purpose of electing a judge of the county court of Monroe county.

Whereupon the Senate repaired to the hall of the House and were seated.

Mr President arose and announced the object of the convention of the two houses. The two houses then proceeded to the election of a judge for the county court of Monroe county—Messrs JACOB PEARSON and RICHARD WITHERS, being in nomination.

Those who voted for mr PEARSON, are Messrs President, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Ross, Toulmin, Turner, and Wilson of J. of the Senate; messrs Speaker, Adams, Adrian, Alexander, Blair, Cobb, Davis of A. Davis of L. Dixon, Douglass, Fitzpatrick, Griffin of M. Hill, Hughs, Jones, King, Mallard, Marchbanks, McClanahan, McMillion of B. McMillion of J. Moore of Mad. Morris, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Spruill, Strode, Walker of B. Walker of L. Wilson, and Wynn, of the House of Representatives—52.

Those who voted for mr WITHERS, are messrs Dent, and Thornton, of the Senate; messrs Crenshaw, Davis of B. Doster, Hall, Inge, Jemison, Mann, McCoy, Mitchell, Moores, Norris, Perkins, Peterson, and Young, of the House of Representatives—16.

Mr PEARSON, having received a majority of all the votes given, Mr Speaker, declared him duly elected judge of the county court of Monroe county, for the term prescribed by law.

The Senate then withdraw from the hall of the House to the Senate chamber: Mr President resumed the chair, and the Senate proceeded to business.

Message from the House of Representatives , by Mr Phelan:

Mr President—The House of Representatives has concurred in the amendments of the Senate to the bill making appropriations for the payment of claims against the State, except the amendment striking out the second section of said bill—the amendment striking out the appropriation made to Thomas M. Dawner, and the amendment striking out the appropriation to David S. Poor, to which amendments the House disagrees. The House of Representatives has amended the last amendment of the Senate as therein shown.

The House of Representatives has also passed bills of the following titles, when originated in the Senate : A bill concerning county court judges: A bill to compensate Jefferson Buford for sundry expresses with despatches, in relation to State service, &c. A bill to incorporate Central Seminary, in the county of Autauga : A bill to incorporate the town of Decatur ; in the county of Morgan A bill to authorize the rescinding of a certain contract therein named:

A bill concerning a certain turnpike road therein named: A bill to abolish brigade encampment drills in certain brigades and divisions amended as therein shewn: A bill more effectually to enforce the performance of the duties of sheriffs in certain cases: which originated in the Senate. Also, an act to amend an act entitled, an act to incorporate the town of Franklin, in the county of Macon: a bill for the relief of James N. Hayden: An act to alter and amend an act for the benefit for the settlers on the public lands. In which the concurrence of the Senate is respectfully requested.

Mr Hudson moved that the Senate insist upon its amendment made to the bill from the House of Representatives , to be entitled an act making appropriations for certain claims against the State, which was on striking out the second section; which was carried. Mr Hudson moved that the Senate recede from its amendment made to said bill, in relation to the account of Thomas M. Dawner, which was carried. Yeas 15. Nays 2.

Those who voted in the affirmative , are messrs President , Clarke, Creagh, Dent, Farrar, Hudson, Hall, Jones, McAllister, McConnell, Reese, Rice, Rodgers, Thornton, and Toulmin.

Those who voted in the negative , are messrs McVay, and Wilson of J.

Mr McConnell, moved that the Senate insist upon their amendment to said bill in relation to the account of David S. Poor; which was carried.

Mr Dent moved that the Senate disagree to the amendment made by the House to said bill in relation to the appropriation made to John M. Cooper: which was carried.

On motion of Mr Reese the voted of the Senate receding from their amendment made to aforesaid bill in relation to the account of Thomas M. Dawner, was reconsidered . The question then recurred on receding from said amendment; which was carried.

Mr Wilson of Jackson moved to amend the amendment of the House to the bill entitled an act to abolish brigade encampment drills, by striking out 'nine ' and inserting 'ten' in thereof, where it occurs in relation to the brigades in the ninth division ; which was carried. Mr Hudson moved to

strike out the proviso to said bill; which was carried. The amendments of the House as amended, were then agreed to by the Senate.

Engrossed bill from the House of Representatives to be entitled an act to alter and amend an act for the benefit of the settlers on the public lands in the limits of the State of Alabama, approved February 5th 1840, was read a first time, and on motion of Mr Hudson was laid on the table.

Engrossed bill from the House of Representatives to be entitled an act to amend an act incorporating the town of Franklin, in the county of Macon, approved December 23d. 1837, was read a first time, and the constitutional rule being dispensed with, was read a second time, and the rule being further suspended, it was read a third time, and passed the Senate. Ordered, that the title remain as aforesaid—and that the House of Representatives be acquainted therewith.

Engrossed bill from the House of Representatives to be entitled an act to compensate James N. Hayden, was read a first time, and on motion of Mr McConnell was indefinitely postponed.

Mr McAllister from the committee on enrolled bills, reported as correctly enrolled bills of the following titles: An act changing the name of Caroline Crow and others, and making them heirs of George Plyant, of Lowndes county, and for other purposes; An act to amend an act entitled an act to ascertain and fix a permanent county site for the county for Covington: and, An act to divorce Lucy Waller from John Waller. On motion of Mr Hudson the Senate then adjourned. SATURDAY January 9th, 1841.

The Senate met pursuant to adjournment. Mr Rodgers from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wits: An act entitled an act regulating punishment under the Penitentiary system: An act entitled an act to authorize the rescinding of a certain contract therein named: An act entitled an act to compensate Jef. Buford for sending express with despatches in relation to State service to General Wellborn: An act entitled an act concerning a certain turnpike road therein named: An act entitled an act more effectually to enforce the performance of the duties of sheriffs in certain cases: An act entitled an act concerning county court judges: An act entitled an act to incorporate Central seminary, in the county of Autauga: and An act to incorporate the town of Decatur, in the county of Morgan.

Mr Wilson of Jackson, moved a reconsideration of the voted amending the amendments of the House to the bill abolishing brigade encampments drills and for other purposes; which motion prevailed. The proposed amendments were then withdrawn and the amendments of the House of Representatives concurred in.

Mr Dent moved a reconsideration of the vote postponing indefinitely a bill to compensate James N. Hayden; which was carried. The bill was read a second time. Mr Clarke moved to dispense with the constitutional rule with a view of giving the bill a third reading forthwith. Upon which motion, the yeas and nays were called for. Yeas 13—Nays 4.

Those who voted in the affirmative, are messrs President Clarke, Dent, Hudson, Hall, Jones, Reese, Rice, Rodgers, Terry, Thornton, Watrous and Wilson of J.

Those who voted in the negative, are messrs Creagh, McConnell, McVay and Ross. The motion to suspend the rule failed: the bill was then ordered to a third reading.

Mr Terry offered the following resolution—which was unanimously adopted.

Resolved, That the thanks of the Senate are due to the Hon. J. L. F. COTTRELL for the able, dignified and impartial manner which he has discharged the complicated duties of presiding officer of this body.

Message from the House of Representatives , by Mr Phelan—Mr President: The House of Representatives has concurred in the amendment made by the Senate to the bill to abolish certain election precincts in De Kalb county, and for other purposes. The House has also concurred in the amendment made by the Senate to the joint resolution in relation to the public arms; and the joint memorial in relation to French spoliations. The House has also passed a joint resolution. requiring the attorney general to perform certain things therein specified, and has amended the same as therein shewn.

Mr Terry offered the following resolutions—which wore adopted and communicated to the House of Representatives forthwith—Resolved by the Senate, That the House of Representatives be requested to return a bill making appropriations for the payment of certain claims against the State.

Mr Ross from the committee on enrolled bills, reported as correctly enrolled, An act to abolish and establish certain election precincts in De Kalb county, and for other purposes.

Message from the House of Representatives by Mr Phelan—Mr President: The House of Representatives has instructed me to return the bill making appropriations but the payment of certain claims against the State.

The Senate then proceeded to the consideration of the bill just returned by the House of Representatives —The question was upon the amendments made by the Senate to the bill and disagreed to by the House, and insisted upon by the Senate. Mr Hudson moved that the Senate recede from its amendment ; which was carried. The question was then taken upon the disagreement of the Senate to an amendment made by the House of Representatives to the amendment of the Senate, by making an appropriation to John M. Cooper for three thousand dollars. Mr Creagh moved that the Senate insist upon its disagreement to said amendment; upon which motion Mr McConnell desired the yeas and nays. Yeas 10—Nays 7.

Those who voted in the affirmative are Messrs Creagh, Clarke, Dent, Hall, Hudson Jones , McConnell, McVay , Rice and Terry. —Those who voted in the negative, are Messrs President Farrar, Rodgers, Ross, Thornton, Watrous and Wilson of J. The motion prevailed.

Mr Ross from the committee on enrolled bills, reported as correctly enrolled: joint resolutions of the Senate and House of Representatives , requiring the attorney general to perform certain things therein specified also, an act to abolish brigade encampment drills in certain brigades and divisions therein named.

Message from the House of Representatives by Mr Phelan—Mr President: The House of Representatives recedes from its amendment to the bill making appropriations for the payments of certain claims of three thousand dollars to John M. Cooper.

On motion of Mr Hudson, Resolved, That the public printer be required to print for the use of this General Assembly seven thousand captions of the acts, to be furnished to the members, or sent to their respective post offices.

Message from his Excellency the Governor, by his private secretary, J. D. Bagby—Mr President: I am instructed by his Excellency the Governor to inform your honorable body, that he has approved and signed bills of the following titles, to wit: An act regulating punishments under the penitentiary system: an act concerning county court judges: an act concerning a certain turnpike road therein named: an act to compensate Jefferson Buford for sending express with despatches in relation to the State service to General Wellborn: an act the more effectually to enforce the performance of the duties of sheriffs in certain cases an act to incorporate to the Central Seminary, in the county of Autauga: an act to abolish and establish certain election precincts in De Kalb county, and for other purposes : an act to abolish brigade encampment drills in certain brigades and divisions therein named: and, an act to incorporate the town of Decatur, in the county of Morgan ; all of which originated in the Senate.

Mr McVay offered the following resolutions which was adopted –Resolved that a committee of three members of the Senate be appointed to act jointly with such committee as are or may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that the two houses have completed the business before them, and are now ready to adjourn sine die, if he has no further communication to make to them , Messrs McVay Terry, and Thornton were appointed said committee on the part of the Senate.

Mr Ross from the committee on enrolled bills, reported as correctly enrolled–An act to wind up the Courtland Land Office: Joint memorial to the Congress of the United States and joint resolutions in relation to the public arms.

Mr Ross from the committee on enrolled bills reported as correctly enrolled –An act to incorporate the Marion Female association—An act to amend an act to incorporate the Town of Franklin, in the county of Macon, approved Dec. 38, 1837—An act fixing the time of elections and tenure of office of inspector of Tar. Turnpentine, Bagging, Rope , &c. in the city of Mobile—An act to incorporate the Greensborough, Lyceum, in the town of Greensboro and An act making appropriations for the payment of certain claims against the State.

Message from the House of Representatives by Mr Phelan—Mr President : The House of Representatives has concurred in the resolution of the Senate proposing to appoint a committee of the two Houses to wait on the Governor, and inform him that the two Houses have disposed of the business before them, and ready to adjourn sine die, and have appointed Messrs. McClanahan , Reynolds and Douglass said committee on the part of the House.

Message from his Excellency the Governor, by his private Secretary—Mr President: I am instructed by this Excellency the Governor, to inform your honorable body that he has approved and signed bills of the following titles to-wit: An act to change the times of holding the county courts of Dallas county—Two joint memorials to the Congress of the United States—An act to change the name of Waid Webb and for the other purposes –Joint resolution of the Senate and House of Representatives of the State of Alabama requiring the Attorney General to perform certain things therein specified—An act to incorporate the Town of Elyton, in the county of Jefferson and for other purposes—An act to levy a special tax in the county of Morgan — An act to alter the time of holding the spring term of the circuit court in certain counties therein named—An act to change the time of holding the county court of Tallapoosa; and An act to authorise the Directors of the Florence Bridge Company to establish rules—all of which originated in the Senate.

Mr McVay from the joint committee appointed on the part of the two Houses to wait on his Excellency the Governor, and inform him that their respective House have completed the business before them, and are now ready to adjourn sine die. if he has so further communication to make to them, reported that they had performed that duty and received for answer that he has so further communication to make.

Message from the House of Representatives by Mr Phelan—Mr President I am instructed by the House Representatives to inform the Senate that the House of Representatives are now ready to adjourn sine die.

The secretary of the Senate was instructed to inform the House of Representatives that the Senate had completed all the business before them were now ready to adjourn which duty was performed.

Mr Hudson moved that the Senate do now adjourn sine die.

Mr President ??? and expressed his gratitude to the Senate for their promptness in ??? the high and responsible duties of presiding officer order their ???the good order and harmony of fooling

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J. L. F. COTTRELL president of the Senate

P. Hill Secretary of the Senate

